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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1997

Addendum

# PALAU*

[21 October 1998]

* The annexes and supplementary information submitted by the Government of Palau may be consulted in the files of the secretariat.

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A Presidential Executive Order on Children

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C Legal Minimum Ages Under the Palau National Legal Code

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List of acronyms

| | |
|---|---|
| COC | Chamber of Commerce |
| CoPopChi | (Palau National) Committee on Population and Children |
| IESL | Informal Employment and Sustainable Livelihood (Initiative) |
| MCH | Maternal and Child Health (Services) |
| MoAdm | Ministry of Administration (responsible for all personnel and organizational related issues within the public service) |
| MoC/CA | Ministry of Community and Cultural Affairs |
| MoC/T | Ministry of Commerce and Trade (responsible for manpower planning, labour, and regulation of foreign workers) |
| MoEduc | Ministry of Education |
| MoH | Ministry of Health |
| MoJust | Ministry of Justice |
| MoState | Ministry of State |
| MoR/D | Ministry of Resources and Development |
| NMDP | National Master Development Plan |
| OCFS | Office of Child and Family Services (no such office currently exists although designation and/or creation of such an office is recommended herein) |
| OEK | Olbiil Era Kelulau (National Congress) |
| PCAA | Palau Community Action Agency (a non-governmental organization) |
| PCC | Palau Community College |
| PNC | Palau National (Legal) Code |
| TTPI | Trust Territory of the Pacific Islands |
| VOCA | Victims of Crime Assistance (Programme) |

## Introduction

1. Palau ratified the Convention on the Rights of the Child in August 1995, only nine months after independence. As mandated by President Nakamura and as required by article 44 of the Convention, the Palau National Committee on Population and Children (CoPopChi) initiated work soon thereafter on a comprehensive analysis of the situation of Palau's children vis-à-vis the Convention, the results of which are represented by this report. In preparing the report, CoPopChi has coordinated an extensive consultative process involving Palau's leadership and a cross-section of the population at large. Consultative meetings were held with the Society of Historians, the Council of Chiefs, women leaders, and the general public. Palauan and international experts representing many different disciplines have also been consulted. CoPopChi recognizes, however, that the report is of little value if it fails to stimulate action to address priority issues affecting our children. Consequently, CoPopChi has also prepared a National Plan of Action for Children (appendix). This plan identifies priority issues for action and makes recommendations regarding the organizations and/or individuals who are best suited to assume leadership roles in effecting these recommendations. CoPopChi itself is preparing its own medium-term work programme which aims to accelerate public information on children's issues, intensify advocacy on behalf of children, and strengthen monitoring of the situation of children.

2. This report would not have been possible without the committed support of many persons too numerous to mention here by name. To the committee members who deliberated at length and reviewed countless drafts, to all persons who shared their time and expertise to shape the content of this report, to the Ministry of Education for printing, and to the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA) which financed the public consultative process, we offer our sincere thanks.

3. In general, the situation of Palau's children is very good. The Palauan cultural tradition affords high priority to nurturing and protecting children and recognizes the principles of "the child's evolving capacity" and the child's "best interests". Palau's Constitution and legal code afford children most of the legal rights and protections mandated by the Convention and in some instances, provide a higher degree of protection than that mandated by the Convention. Infant and child mortality (death) rates are low and the overall health status of children good with high quality health care accessible to all. Children are guaranteed free education of reasonable and progressively improving quality extending from kindergarten through grade 12. In addition, children are afforded a wide range of opportunities within the community for personal enrichment including non-formal education, cultural expression, and recreation. Substantial progress has also been made to secure equal rights for disabled children and to provide these children with supportive services necessary to facilitate their integration into community life.

4. Palau is experiencing extremely rapid social, economic, cultural, and demographic change - change which has the potential to transform the nature of Palauan society. As a result, new issues are emerging which affect our children and require the attention of Government, traditional leaders, and the public-at-large. Among these priority issues for action are:

- Legal reforms must ensure that all children enjoy equal protection against exploitation, abuse, and domestic violence and that children old enough to "form opinions" are given an opportunity to have their opinions heard and considered in legal proceedings which affect their own lives;

- Public health measures must be strengthened to ensure that Palau will always provide children with a health-promoting environment, the best possible standard of nutrition including breast milk during infancy and healthful, fresh island foods during childhood, and healthful lifestyle choices including the choice of a "drug free" and physically active life;

- The "Palau 2000 Master Plan for Education Improvement" needs the active support of the entire community for timely implementation, thereby ensuring that all children complete at least 12 years of primary and secondary schooling which impart the knowledge, attitudes, and skills required for an active adult life in twenty-first century Palau;

- Cultural mechanisms which support and assist families need revitalization, among these mechanisms for transmitting to children essential cultural values, most notably that of respect for all things, the special role of the maternal uncle in guiding and protecting the children of his sisters and nieces, the role of village chiefs in guiding and disciplining children, and finally the responsibility of the entire adult community for each and every child as manifested by the traditional practice of "community parenting";

- While revitalizing traditional family support mechanisms is a key strategy for the future, in some cases new services are required to meet emerging needs; childcare for children of working parents is an important emerging need which could be addressed in a variety of different ways to cater to the needs of different types of families;

- It is important for the community to recognize that there are children in Palau who do not have the benefit of a happy and supportive family environment, for these children, existing services to prevent and remedy child neglect and abuse must be maintained and strengthened;

- While much progress has been recorded in responding to the special needs of disabled children, these children and their families have an ongoing need for special support services; in addition, as the Palau Government begins construction of a new capital and as the private sector embarks on a period of intensive capital expansion, there is need for legislation to ensure that new public facilities are maximally accessible to all persons, including the disabled;

- Not all children resident in Palau are of ethnic Palauan descent; some special issues have been identified affecting non-Palauan children, especially those non-Palauan children adopted by Palauans; these highly complex issues will require special attention;

- And finally, there are some important issues for which no recommendations for action can be made at this time as further research is needed; high on the priority list for future research are issues relating to customary adoption practices and the extent to which these practices serve the best interests of the child in contemporary society

## I GENERAL MEASURES OF IMPLEMENTATION

### A Measures taken to harmonize national law with the Convention

5 Prior to preparation of this report, the Palau Government had not undertaken a comprehensive review of national legislation and administrative procedures in light of the Convention. This report provided the impetus for the Office of the Attorney-General to perform such a review. Following the review, the Attorney-General has concluded that Palau's legal framework adheres closely to the Convention. In a few instances, Palauan laws and/or practices apply a higher standard than those of the Convention (e.g. Palau recognizes the child's right to life from conception rather than from birth and requires mandatory education through grade 12 or age 17). There are, however, a few areas in which Palauan laws and/or practices fall short of the minimum standards set by the Convention (e.g. failure in practice to ensure separation of juvenile offenders from adults in correctional facilities, failure to provide special safeguards in the case of intercountry adoption, and failure to provide equal protection to the male child against sexual exploitation).

6 In addition to these clear-cut areas of congruence or deviation, there are other "grey" areas in which statutory provisions deviate from the specific requirements of the Convention but for which reasonable arguments may be made that local laws and/or practices respect the "spirit" of the Convention, thereby promoting the best interests of the child within Palau's sociocultural context (e.g. handling of intra-family adoption and application of the principle of "best interests of all concerned" in sections of family law). Subsequent sections of this chapter outline areas of congruence and deviation in greater detail. The appendix outlines a Plan of Action for achieving full compliance with the Convention.

### B Status of the Convention under domestic law

7 Palau's Constitution and national legal code represent the supreme laws of the country. The Code (Title 1 301-303) specifies sources of legal authority recognized in Palau. These include: (a) the Trusteeship Agreement; (b) laws of the United States in effect in the TTPI inclusive of executive orders of the United States President and the Secretary of Interior and laws of the Trust Territory not subsequently repealed by the OEK; (c) laws of the OEK; (d) state laws; and (e) customary law not in conflict with statutory authority. PNC Title 1 303 further states that common laws acceptable in the United States can be applied in rules of decision by Palau courts except that "no person shall be criminally prosecuted except under the written law of Palau or recognized local customary law not in conflict with the written law." Given that the Code makes no reference to the legal authority of international conventions, the Attorney-General therefore concludes that the Convention on the Rights of the Child may not be directly invoked before the courts unless the relevant article(s) of the Convention have first been enacted into the Palau Code by act of the OEK.

C. Mechanisms of coordination of policies related to children

8 Coordination of policies. The mandate for reviewing the situation of children vis-à-vis the Convention and for preparing recommendations for action has been given by Presidential Order (No. 142-1 dated 6 July 1995) to the National Committee on Population and Children (CoPopChi). CoPopChi is an inter-agency committee with representation from 12 government agencies and 7 NGOs (see mandate and membership in annex A). The Committee has broad responsibilities to: (a) monitor implementation of the Convention, (b) provide information and training to the general public as well as to special interest groups and professionals involved with children regarding the rights set forth under the Convention, and (c) advocate for the rights of children in general. The Committee, however, does not have the authority to intervene with respect to violation of the rights of an individual child in the role of an ombudsman.

9 CoPopChi is somewhat constrained in carrying out its responsibilities by the absence from its membership of certain key individuals and/or organizations (e.g. the Office of the Attorney-General, the police, the judiciary, and VOCA - the focal office responsible for providing support services for victims of child abuse and/or domestic violence). CoPopChi is also a part-time committee which works without staff or a designated budget. CoPopChi owes its success to date to the strong support of key member organizations and its ability to tap into extrabudgetary funding from UNFPA, UNICEF and UNDP. Sustaining a long-term programme of work on behalf of children will, however, necessitate a revised structure.

10 Public information. A summary of the Convention was translated into Palauan shortly after ratification (July 1995). This bilingual edition has been distributed and discussed at public meetings, including meetings with high school students and parent groups, by Committee members in the intervening months. Beginning in mid-1997, the process of public information and consultation was intensified and formalized. The bilingual summary was formally published and a series of consultative meetings were convened for the specific purpose of informing key segments of the public about the Convention and eliciting their input into this report. Four meetings were held in October-November 1997 with: the Society of Historians, the Council of Chiefs, women leaders, and the public-at-large (see annex D for summaries of the output from these meetings). As part of the reporting process, a plan of action for addressing key issues identified has been formulated (appendix). This plan incorporates provisions for intensifying public information and outreach to parents, children, professionals dealing with children, and the public-at-large. It will be the ongoing responsibility of CoPopChi to advocate, monitor, and coordinate implementation of the overall plan as well as the public information components.

11 CoPopChi's immediate public information strategy includes: (a) dissemination of this report to all government ministries, bureaux and boards, (b) dissemination of this report to all private groups which assisted in its formulation, (c) launch of a series of newspaper articles to highlight Convention issues of special importance within Palau, (d) publication and widespread dissemination of a bilingual summary of this report. The feasibility of making use of other media such as television and drama will also be explored.

12 Other coordinating mechanisms. CoPopChi recognizes the need to collaborate closely with other intersectoral bodies with related mandates. These groups include: (a) the Palau

Interagency Team for Children with Special Needs; (b) the National Youth Policy Committee which coordinates the work of agencies serving young people 15-34 years of age; (c) the National Nutrition Committee; (d) the School-to-Work Council, the primary implementing body for the National Education Master Plan; and (e) the Informal Employment and Sustainable Livelihood (IESL) Task Force which aims to facilitate rural economic development.

## D. Measures taken to ensure the economic, social and cultural rights of the child

13. Policy framework. Palau's first National Master Development Plan (NMDP) approved by the OEK in 1997 provides the policy framework for the social and economic development of the nation through the year 2010. The priority is to achieve sustainable economic growth by developing Palau's marine, agro-forestry, and tourism resources while simultaneously rationalizing government services, privatizing services where feasible, and revising the structure of taxes and user fees to enable essential government services to be financed from domestically generated revenues. This plan is further supported by sectorial plans for Education and Health and by (draft) policies for population and sustainable tourism.

NMDP recommendations for public financing of health, education, and social services

14. For education, the NMDP recommends:

- Maintain Government's allocation for education per student in real terms;
- Replace declining federal funds and meet the costs of new programmes and capital improvements by rationalizing expenditures and introducing fees at the secondary education level;
- Reduce subsidies for tertiary education and more closely link post-secondary scholarships and loans with relevance of proposed course of study to national development needs and to student need as determined by family income;
- After completion of the trans-Babeldaob road, consolidate elementary schools and increase the student-teacher ratio while gradually increasing allocations for non-personnel costs (e.g. instructional materials and facility maintenance).

15. For health, the NMDP recommends:

- Introduction of a fee schedule based on the actual cost of services with the level of subsidy gradually reduced over time but with provision for higher subsidies for low-income families;
- Enforcement of collection policies;
- Stricter controls on the cost of off-island referral including more stringent criteria for referral and the level of subsidy for referral to be adjusted according to family income;

- All fees collected to be reinvested in health,

- Encourage expanded private practice including extension of private practice into rural areas.

16. The NMDP does not make specific recommendations for funding of social and youth services except to suggest that increased allocations will be needed to ensure adequate government support for community initiatives.

17. To implement the NMDP, Palau is embarking on a period of fiscal adjustment in which a public long accustomed to subsidized government services must begin to pay for these services either in the form of fees or taxes. An economic safety net, however, is in place for children with the following features: (a) preventive health services, including periodic screenings and immunization, are provided free to all children; (b) children who are Palauan citizens aged 0-17 years receive health and dental services through the Ministry of Health at a 95 per cent rate of subsidy; (c) all children irrespective of citizenship receive free public education extending from pre-school through grade 12. Additionally, there is a subsidized school lunch programme which ensures that virtually every pre-school and school child has access to at least one hot, nutritionally balanced meal each school day. Government's decision to incorporate these services within the economic adjustment policy helps to ensure that services most essential to child survival and development remain universally accessible.

Budgetary allocations for children

18. In fiscal year (FY) 95, the cost of publicly supported health services in Palau was estimated to be $6.4 million (9 per cent of total government expenditures) or $372 per capita. Of this amount, 35 per cent was expended for services primarily of benefit to children (MCH, Primary and Preventive Health Care).

19. In FY 95, the cost of publicly financed primary and secondary education was estimated at about $9 million (inclusive of federal aid to education) which accounted for 13 per cent of government expenditures and represented an allocation of $2,064 per child (aged 5-19). In addition approximately $1 million were allocated for pre-primary education.

20. In addition to allocations for health and education, approximately $800,000 were allocated for a variety of social services of primary benefit to children and youth. These allocations included: apprenticeship training ($49,000); juvenile justice and delinquency prevention ($95,000); drug abuse prevention ($125,000); recreation ($83,000); support for victims of crime inclusive of child abuse and domestic violence ($102,000); job training and career guidance ($277,000); youth services and the Palau National Youth Congress ($30,000); and family and youth services and apprenticeship training through the Palau Community Action Agency ($354,633).

21. A review of past budget allocations of special benefit to children described above demonstrates that:

- The Palauan Government allocates a larger share of public resources, in both proportional and per capita terms, to children's services than do Governments of most developing countries;

- While health and education services are well funded, social and cultural services are relatively less well endowed with available funds fragmented across a number of diverse programmes;

- Since independence, funding for education and social services has been reduced owing to phase-out of United States federal grants; this requires heightened selectivity and efficiency in the expenditure of increasingly scarce resources (see annex B);

- A high proportion of Palau's health care dollar is expended for secondary and tertiary health care services rather than for primary and preventive health care; when United States federal and international aid to health are discounted, only 0.6 per cent of Palau's own domestic health resources were allocated for primary health care in FY 95.

22. Government's medium-term policies on future funding for health, education and social services are broadly described in the NMDP. Specific short-term policies which will minimize disruption of services caused by decline or phase-out of United States federal categorical grant assistance in the 1997-1999 period have been further delineated by a high-level inter-ministerial committee (see annex B).

## II. DEFINITION OF THE CHILD

23. Under Palau law (PNC 21.105) an individual reaches the age of majority on his or her eighteenth birthday. Eighteen is used as the demarcation between childhood and adulthood in two other sections of the Code: (a) the National Child Abuse and Neglect Act (PNC 21.6) and (b) eligibility for prosecution as a "delinquent child" (PNC 34.6105). In other sections of the Code, the term "minor" is used with varying definitions. Essentially, the law recognizes evolving capacity beginning at the age of 14 and extending until the age of 21. (Annex C provides a detailed description of legal minimum ages for various purposes.)

24. Reflecting traditional reluctance to ascribe full majority prior to middle age, Government's official definition of youth has been 15-45 years of age. There is, however, a movement now within the National Youth Policy Task Force to narrow this definition to 15-34.

25. In civil society, the age of majority is generally considered to coincide with high school graduation (which typically occurs in a child's eighteenth year). Prior to high school graduation, the child is responsible for contributing to the well-being of his or her household in an age-appropriate manner through work within the family. Following high school graduation, the child is generally expected to increase his or her contribution to the household through cash and/or intensified subsistence work (e.g. farming for young women and fishing for young men).

26. As the young adult matures and demonstrates evolving wisdom, responsibility and commitment to family, he/she will be granted by the elders increasing personal autonomy and involvement in family or clan decision-making. While it is true that in most cases, a person will not assume family leadership responsibilities until middle life, it is also possible for a younger person of demonstrated ability and maturity to be given a chiefly title and/or to be selected for a position of prominence in government or commerce.

27. Typically, following marriage, a couple, together with any dependent children, will continue to reside for a number of years with their extended family (most usually the man's parents or uncle). At some point, when the couple have contributed sufficiently to the well-being of their extended family, they will be assisted to build their own independent housing unit through a unique Palauan custom called the ocheraol.

28. Ocheraol is an occasion when close relatives, clan members and friends come together to contribute money to help one of their members to improve his (or, in some cases, her) standard of living. The ocheraol binds the culture together creating a unique way of life which sets Palauans apart, even from their Pacific neighbours.

29. For every married man, there comes a time when it is right for him to build his own house apart from his family or his wife's family. The young man will approach his father or his maternal uncle. If he has contributed to the various customs and the daily needs of his relatives - especially his female relatives on his mother's side - he will be advised to hold an ocheraol. For an ocheraol to be successful, a man must have the support of his maternal relatives, especially his sisters, who are expected to provide the largest contributions. In Palauan tradition, female relatives are like a man's savings account in the bank. If he deposits first (by contributing to their well-being) and tends his investments, he can withdraw later in the form of contributions to his ocheraol.

30. The actual process of conducting the ocheraol is complex as the obligation of each participant depends upon complicated lineage affiliations as well as past contributions in other ocheraols. Generally, the oldest sister is expected to contribute the largest sum with successive sisters contributing according to their place in the family lineage. Each sister in turn draws support from a network of relatives and in-laws who assist to "make her purse heavy".

31. In some cases, a young man may not be able to hold an ocheraol. He may not have female relatives financially able to assist him or he may choose not to assume the financial obligation of "paying back" over time to those who have contributed to him. In such cases, a man may choose to hold a house party. This is a comparatively informal event involving both friends and relatives. Contributions are smaller and less regulated by custom. In rare cases, a man may hold both an ocheraol and a house party.

32. In 1994, the Office of Planning and Statistics conducted a census of ocheraols in Koror State. A total of 44 ocheraol functions collected $1.25 million from 7,700 participants (equivalent to 120 per cent of resident Palauan citizens aged 25 and above). These 44 ocheraols helped to construct 56,000 square feet of new building space valued at nearly $2.0 million and sheltering 237 people. As a part of the ocheraols, 11,500 steisai meals were prepared costing some $122,000 (an average of $16 per guest). In association with these 44 ocheraols, there

were 17 house parties. These house parties collected slightly more than $102,000 or an average of $31 per guest. The total proceeds from the ocheraol and the house parties were $1,362,464 amounting to 69 per cent of total building costs.

33. The census also showed that the top single donor at each ocheraol contributed, on average, 20 per cent of the total. The top 10 donors (usually some combination of the man's sisters, nieces, or daughters) gave an average of 57 per cent of the total. A relatively small number of people are then responsible for a large portion of the collections.

34. The census demonstrates that the Palauan custom of ocheraol is alive, healthy and strong. It makes a major contribution to meeting basic needs of the Palauan family and helps to support the private sector, small-scale construction, and food preparation industries.

35. Deficiencies under the law with respect to age of majority. Following the legal review, the Attorney-General has concluded that amendments to Palau's laws are required if children are to be adequately protected against sexual exploitation: (a) a uniform age of sexual consent is needed in order to simplify enforcement and prosecution; (b) gender bias needs to be eliminated to ensure equal protection to males; and (c) changes are needed in the rape statute to eliminate the statutory prohibition against a man being charged for raping his wife.

36. There is disparity with respect to employment in that Palauan law sets no minimum age for wage employment (as required by Convention article 32). As there are no known or suspected cases of children within Palau subjected to economical exploitation, this disparity can be addressed in due course in the context of a proposed Uniform Labour Act. There is also a disparity with respect to marriage in that Palauan law does not regulate the age of marriage for citizens and customary child marriages, although rare, occur occasionally. Since marriage is regulated primarily by custom rather than by statute, this issue is best addressed through education and counselling.

37. Although there is a statute which prohibits a child from instituting a civil action (PNC 14.406), in practice, the courts have allowed children to file civil suits as in a currently pending case involving alleged negligence resulting in personal injury. The willingness of the courts to entertain other types of civil actions initiated by children, as for example actions which might be pursuant to the Convention, is unclear at this time. Devising a culturally acceptable yet effective mechanism for legal recourse in the event of a violation of a child's rights will require further consideration.

## III. GENERAL PRINCIPLES

### A. Non-discrimination

38. Discrimination in general. The Constitution (art. IV.5) states, "Every person shall be equal under the law... The Government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion, social status or clan affiliation except for the preferential treatment of citizens, and for the protection of ... [specified vulnerable groups, one of which is children]". These rights to non-discrimination apply to all persons, including children.

Palau's Child Population, 1995

| Age | Total No. children | No. Non-Palauan children | % Non-Palauan |
|---|---|---|---|
| 0-19 | 6 122 | 403 | 6.6 |
| 0-4 | 1 762 | 168 | 9.5 |
| 5-9 | 1 551 | 66 | 4.3 |
| 10-14 | 1 527 | 83 | 5.4 |
| 15-19 | 1 282 | 86 | 6.7 |
| Among the non-Palauan children, 96 (24%) are non-Palauan Micronesians, 217 (54 %) are Asian, and the remainder are of other unspecified ethnicities. | | | |

39. Despite equality before the law, there is growing concern in some quarters about equal treatment of non-Palauans, especially foreign contract workers and their dependants, within civil society. Ethnic tensions are building because many Palauans feel overwhelmed by the rapid growth of the non-Palauan segment of the resident population (increasing from 4 per cent of the total population in 1973 to 33 per cent in 1997). This situation will most effectively be addressed through educational strategies which promote inter-cultural understanding and development strategies which reduce the demand for foreign labour, thereby ensuring ethnic balance.

40. Disparities - minorities. In Palau, the term "minority children" applies to those resident children who are of non-Palauan ethnicity. In 1995, non-Palauan children constituted less than 7 per cent of the child population. These minority children are protected by the constitutional prohibition against discrimination. Although the Constitution confers the right to free education only to citizens, in practice coverage encompasses all children. The Constitution likewise guarantees subsidized health care only to citizens although in practice all children receive essential maternal and child health services (including periodic health screening and immunizations) free of charge. Citizen children receive an additional 95 per cent subsidy for curative health services provided through government facilities. Because of the relatively small proportion of non-Palauan children within the total child population, data regarding the situation of children are not routinely disaggregated on the basis of ethnicity.

41. The 149 Palauan children who are of Southwest Island descent may be considered "minorities" in that they have their own language and culture distinct from that of the main Palau

archipelago. However, the majority of these children now reside in Koror, speak Palauan, and are fully integrated within Palauan society while simultaneously maintaining their own unique traditions. There is no discrimination against these children under the law or within civil society.

42. Disparities - rural children. Since Palau is geographically small with 99 per cent of the population resident on the main archipelago, disparities in access to services between rural and urban children are less acute than in most island nations. Twenty-two per cent of children reside in rural areas (outside of the Koror-Airai area). These rural children suffer no disadvantage in access to elementary education, although most must migrate to Koror to attend secondary school as there are only three small Church-affiliated high schools located in rural Palau. In the past, rural children have suffered some disadvantage in access to primary health services, but the Ministry of Health has recently revitalized rural health facilities and services so that all children now enjoy equitable access to primary and many secondary care services.

43. Recent analyses have revealed substantial disparities in mean and median household incomes between rural and urban areas. These disparities do place rural children at some material disadvantage although it is not believed that any family (or child) in Palau suffers from absolute poverty. Rural children enjoy some advantages over their urban counterparts in that their lifestyle remains more traditional with easier access to guidance and support from a wider network of extended family.

44. Disparities - refugees or asylum-seeking children. The issue of refugee or asylum-seeking children has not yet arisen in Palau's relatively short history as an independent nation. Because of Palau's extremely small land mass, the (draft) population policy recommends that political asylum not be permitted and that refugees be restricted to temporary passage for a maximum duration of three months.

45. Disparities - gender. The Palau Constitution and the law (PNC Title 4) forbid discrimination on the basis of sex.

46. Palau is a matrilineal society in which land and titles are most commonly inherited through the maternal line of descent. In traditional society, the roles and responsibilities of men and women were different; these differences did not imply a dominant-subordinate relationship between the sexes, but instead a duality in which each sex had a defined role but neither was able to progress without support and cooperation from the other. However, because women's status, while one of equality with men, was manifested "behind the scenes", there are subtle cultural barriers to women assuming positions of overt leadership, especially in politics. Although the average female worker still earns 25 per cent less than the average male worker and women are more likely than men to be economically dependent on other family members, women are now surpassing men in educational attainment and are joining the formal sector labour force in record numbers. The rapid pace of these changes suggests that economic disparities on the basis of gender will soon disappear. To the extent that data relevant to children are disaggregated by sex, there are no indications that girls suffer from systematic disadvantage.

Selected statistics pertaining to the situation of women in Palau
(Based on 1995 Census)

| | Male | Female |
|---|---|---|
| Life expectancy at birth | 65.6 | 74.3 |
| Education (persons 25-34 years of age, 1995): | | |
| % high school graduates | 63.4% | 74.6% |
| % with Associate, Bachelor's or Professional Degree | 31.1% | 20.4% |
| Earnings (average wage of employed person over age 16) | $8 657 | $6 377 |
| No independent income (persons aged 15+, 1995) | 31% | 41% |
| Labour force participation (formal sector): 1990 | 68.2% | 48.5% |
| 1995 | 72.2% | 59.5% |
| Number of OEK members (1998) | 29 | 1 |
| Number of government ministers or state governors (1998) | 24 | 0 |
| Number of bureau directors 1998 | 16 | 4 |

47. Disparities - disabled children. Discrimination on the basis of disability is prohibited under the Constitution and the National Code (PNC Title 4). Measures taken for the benefit and advancement of disabled children are described in sect. VI.4 of this chapter.

48. Disparities - street children. It is a basic tenet of Palau's culture that every Palauan has a right to shelter and basic subsistence within his or her extended family. However, with this right goes certain responsibilities for contributing to household maintenance and adhering to family-specific rules. Because of Palau's cultural tradition, there are no "street children" as the term is used in Asia or Latin America. There is, however, a small group of children (seven identified by VOCA at present ranging in age from 10-17 years) who choose to live "on the street" as a matter of personal choice because they are unwilling to shoulder the responsibilities that accompany their right to family life. This is believed to be a new situation in Palau and one

which has come to the attention of authorities only in recent months. Social workers from VOCA are now working with the children thus far identified and their parents with the goal of reintegrating these children into family life.

49. Disparities - disaggregation of data. Palau has a population of only 17, 225 persons (1995) of whom 70 per cent reside in Koror. It is therefore difficult to disaggregate and analyse data at the subnational level because of the very small number of observations recorded for any specific geographic sub-area or social category. Nevertheless, most health and education data are compiled in a manner which can support disaggregated data analysis where statistically valid.

## B. Best interests of the child

50. In accordance with the Palauan tradition, which places the well-being of the individual subordinate to the well-being of the group, the law specifies that decisions made by the court with respect to annulment, divorce, child custody, and child maintenance be what "justice and the best interests of all concerned may require"(PNC 21.302). For adoption, the standard required by law (PNC 21.401-409) is "the best interests of the child". The standard with respect to disposition of the "delinquent child" is likewise "the best interests of the child" (PNC 34.6107).

51. Most matters pertaining to family law are handled not by the courts, but by the family and clan. Decisions of clan elders with respect to family law are granted legal recognition (PNC Title 21.103). Criteria used in reaching decisions in the customary system will vary from clan to clan but are believed to most commonly reflect the principle of "best interests of all concerned" rather than the "best interests of the child". A great many Palauans will argue, however, that there is in fact no contradiction between these standards, for the best interests of the child can only be safeguarded in the context of the best interests of the larger family to which he/she belongs.

52. Rather than to challenge the standard used by families in making decisions affecting children, CoPopChi believes it is preferential to focus on public education and advocacy to encourage families to identify culturally acceptable mechanisms whereby children may be consulted and their opinions considered during decision-making processes on matters affecting the child.

## C. Right to life, survival and development

53. Right to life. Palauan tradition, practice, and law recognize the child's right to life not only from birth but from conception (PNC 17.201). The law, however, specifies an absolute and total ban on abortions for any purpose including cases where the mother's life is endangered by the pregnancy and cases of rape or incest. While most Palauans oppose abortion, there are some who argue that the current law is unduly strict.

54. Although mechanisms of abortion (herbal abortants and manual manipulation) were recorded by early ethnographers, Palauans historically had and continue to have today a special abhorrence for the act of abortion. This attitude dates to earlier eras when maternal and infant mortality rates were so high that post-partum survival was both a rarity and a matter for major

public celebration. Today, improved public health and modern medicine have rendered maternal mortality a rarity and infant mortality low in comparison with that of most other developing countries. Despite these advances, Palauans still regard pregnancy, especially a woman's first, as a risky undertaking during which her family must ensure that she receives only the best of care and foods. Public celebration of a woman's first safe delivery continues to be observed through an important Palauan custom called ngasech.

Foetal and infant mortality rates, 1991-1996
(Ministry of Health)

| Year | Foetal mortality (deaths of foetuses 20 weeks and over gestation per 1 000 live births) | Infant mortality (deaths among live-born infants per 1 000 live births) |
|---|---|---|
| 1991 | 43.7 | 8.6 |
| 1992 | 28.5 | 26.7 |
| 1993 | 27.3 | 22.5 |
| 1994 | 15.9 | 21.5 |
| 1995 | 5.0 | 15.1 |
| 1996 | 16.6 | 19.7 |

Child deaths, ages 1-17 years, 1994-1996
(Ministry of Health)

| Cause of death | No. deaths |
|---|---|
| Motor vehicle accidents | 3 |
| Other accidents | 4 |
| Cardiac disease | 2 |
| Suicide | 1 |
| Other | 1 |

55. Maternal deaths in Palau occur only rarely. Only three maternal deaths have been recorded in the past decade, one each in 1989, 1992 and 1994. There were no maternal deaths in the intervening years nor in the 11 years preceding (1978-1988). This favourable situation is due to the overall high status of health among young women, high quality of prenatal and obstetrical services, and widespread availability and acceptance of modern contraceptives (especially among older women).

56. Although all women giving birth in Palau receive some prenatal care, a major concern continues that less than one third of women seek care during their first trimester of pregnancy. The proportion of ethnic Palauan women seeking first trimester care is even lower than the national average as non-Palauan women are far more likely to use prenatal services early and regularly.

57. Right to survival. Primary health services are provided through government facilities and two private clinics. Secondary services are provided only in Government-owned and -operated facilities. Owing to the small population, the range of tertiary services available on the island is limited; most tertiary services are provided via referral to either the Philippines or Hawaii.

58. All citizens are guaranteed free or subsidized health care (Constitution, art. 6) and despite increases in user fees for health care in 1997, the law forbids any person from being denied essential health care due to inability to pay for services. The fee schedule promulgated in 1997 is based on the actual cost to the Government of providing services. Services continue to be subsidized, albeit at a lower rate than in the past, for citizens while the subsidy for non-citizens for most services has been withdrawn. Children, however, irrespective of citizenship, continue to receive free screening and preventive health services in all government health centres.

59. Palau's health-care system is well-developed and of a high standard. This, combined with high levels of sanitation, education and an evolving material standard of living, has resulted in control of most communicable diseases. However, changing lifestyles and dietary patterns combined with alcohol, tobacco, and betelnut use/abuse have spawned an epidemic of non-communicable diseases among middle-aged Palauans. While not directly affecting children, the behavioural patterns which predispose Palauans to these diseases are established during childhood.

60. Both foetal and infant mortality rates are declining and the risk of death from illness during childhood and adolescence is quite low. Incidents of mortality occur primarily in the first month of life and are commonly related to prematurity and/or low birthweight. On the average, 10 per cent of new-borns have a low birthweight (under five pounds). This 10 per cent, however, contributes disproportionately to infant mortality with an estimated 80 per cent of infant deaths occurring among low birthweight infants. Low birthweight is closely associated with late prenatal care, use of tobacco during pregnancy, and teen pregnancy. Accordingly, the Bureau of Public Health has focused mortality prevention interventions on these three risk factors.

61. Palauan children have enjoyed high rates of immunization against common childhood diseases for many years. A survey in 1997 found that 94 per cent of two-year-olds and 99 per cent of six-year-olds were fully immunized against polio, tetanus, diphtheria, pertussis, measles, mumps, rubella, hepatitis B, and meningitis. Vaccines against hepatitis A and chickenpox are now being introduced.

62. Respiratory infections constitute the leading cause of acute illness among children but no deaths have been recorded in recent years. Diarrhoeal diseases and other gastrointestinal infections, believed to be primarily foodborne, also cause many illnesses but virtually all cases are successfully managed on an out-patient basis using oral rehydration therapy with no deaths recorded in recent years. Otitis media, both acute and chronic, is a significant health problem affecting an estimated 18 per cent of children each year. Injuries cause significant morbidity and are the main cause of death among children over one year.

63. Most illnesses and deaths among children can be prevented by the actions of parents or guardians without recourse to medical technology. There is accordingly an ongoing need to heighten community awareness about the health and safety needs of children and to promote a

safe but stimulating environment for children. Safety will become increasingly important as Palau becomes more densely populated, more multi-ethnic in composition, and more highly developed. Traffic, water and play safety will need to feature prominently among children's health initiatives in the coming decade together with traditional public health measures.

64. To stimulate the creation of a health-promoting environment for children and families, Palau is participating in two international initiatives which stress comprehensive environmental health and safety; these are the WHO-UNICEF Health Promoting Schools Initiative and the WHO-Pacific Community (formerly South Pacific Commission) Healthy Islands Initiative. In addition, CoPopChi has recommended that state governments implement a revitalized system of land use master planning. It is important that open spaces and recreational facilities appropriate for residents of all ages be integral components of this land use planning.

65. While a health promoting environment is critical for optimal child survival and development, of equal importance is the promotion of healthy lifestyle choices by children and youth. There is considerable evidence, albeit mostly unquantified, that Palauan children, especially those residing in urban Koror, are adopting many adult habits which are deleterious to health, including:

- Sedentary lifestyles;
- Excessive television viewing;
- Diets high in salt, sugar, and fat;
- Early onset of overweight (see table below);
- Early use of betelnut, often with tobacco (see table below).

Use of betelnut, tobacco, and cigarettes among Palauans, 1995
(Office of Planning and Statistics

| Age | % chewing betelnut | Average No. chews per day | % chewers using tobacco | % chewers using cigarettes |
|---|---|---|---|---|
| All | 76 | 16 | 80 | 24 |
| 5-14 | 55 | 5 | 86 | 21 |
| 15-24 | 77 | 11 | 96 | 27 |
| 25-34 | 86 | 16 | 88 | 24 |
| 35-44 | 89 | 20 | 69 | 21 |
| 45-54 | 82 | 27 | 62 | 27 |
| 55-64 | 77 | 22 | 53 | 15 |
| 65-74 | 84 | 21 | 45 | 23 |
| 75+ | 76 | 16 | 48 | 33 |

Prevalence of overweight in six rural states
(Public health data, 1993-1995)

| Age (years) | Males overweight | Females overweight | All persons overweight |
|---|---|---|---|
| 1-9 | 0 | 0 | 0 |
| 10-19 | 11% | 16% | 13% |
| 20-29 | 42% | 47% | 44% |
| 30-39 | 50% | 61% | 55% |
| 40-49 | 45% | 57% | 50% |
| 50-59 | 69% | 48% | 58% |
| 60+ | 36% | 40% | 38% |

66. Adolescents. Palauan adolescents have few acute health problems except for injuries, which most commonly result from accidents and are frequently related to alcohol or drug use. For this age group (13-21 years of age), the most pressing concerns are reproductive and psycho-social health.

67. Reproductive health. There is a widespread perception that Palauan adolescents initiate sexual activity at relatively young ages without adequate protection against pregnancy or sexually-transmitted diseases. Because behavioural and attitudinal data are collected in an uncoordinated manner using different methodologies, it is difficult to determine with precision the actual trends in adolescent reproductive health. However, key indicators suggest that despite considerable investment of time and money in educational outreach over the last decade, a great many adolescents continue to place themselves in jeopardy as a result of early sexuality and unprotected sex.

68. Among the indicators:

- Census data show high teen fertility rates with the rate increasing by more than 50 per cent in the 1989 to 1994 interval;

- The number of adolescents treated for sexually transmitted diseases continues to increase (see table below);

- A 1996 survey of 473 Palau high school students found 48 per cent to be sexually active but only 37 per cent of sexually active students consistently practised safe sex.

Cases of sexually transmitted diseases among persons under 22 years of age, 1993-1996 (Ministry of Health)

| Age | 1993 | 1994 | 1995 | 1996 |
|---|---|---|---|---|
| <12 | 0 | 2 | 1 | 1 |
| 12-14 | 0 | 1 | 0 | 0 |
| 15-17 | 0 | 4 | 7 | 11 |
| 18-21 | 5 | 17 | 28 | 34 |
| All | 5 | 24 | 36 | 46 |

69. These are alarming statistics clearly suggesting that intensified school and community health education efforts have as yet not successfully counteracted the permissive messages adolescents receive from society and the media. While Palau has been lucky to escape the HIV/AIDS pandemic thus far (having had only one AIDS case, deceased in 1993), public health officials are cognizant that there is significant potential for the virus to spread rapidly through the population should it be introduced.

70. Psycho-social health. Palauan adolescents are generally perceived as being in a state of crisis with many young people, especially young males, experiencing difficulty in making the transition from childhood to adulthood in contemporary society. This situation is manifested by a variety of indicators including: lower male life expectancy; higher male school drop-out rates; higher unemployment rates among young males; higher prevalence of mental illness among young males; and higher prevalence of substance abuse among young males.

71. Between 1984 and 1997, 44 Palau residents committed suicide of whom 40 were male and 8 were under 21 years of age. A 1997 survey found that thoughts about suicide and/or attempts at suicide were somewhat more common than indicated by the mortality data (see table). For over half of the survey sample who had contemplated or attempted suicide, problems with alcohol or drugs were the reason(s) cited.

Prevalence of suicidal concerns
(Contemplation of or attempts to commit suicide)

| Age category | Proportion of persons with suicidal concerns |
|---|---|
| 10-14 | 11.5% |
| 15-20 | 3.8% |
| 21-25 | 11.5% |
| 26-30 | 11.5% |
| 31-40 | 42.3% |
| 41-50 | 15.4% |
| 51+ | 3.8% |

72. Palau has a high rate of mental illness which is almost twice the expected rate based on global data. Mental illness strikes predominately young males and is often associated with alcohol or drug abuse. Alcohol abuse among young males is widespread and associated with a range of social problems ranging from child abuse, spouse abuse, crime and delinquency, and traffic accidents. Marijuana grows easily in most parts of Palau and is widely used. "Ice" and other illicit drugs have also infiltrated Palau from abroad. In a recent backlash against what is perceived as a growing drug problem, tough new laws were enacted in 1997 to combat both trafficking and use of illicit drugs (exclusive of marijuana). Besides legal initiatives, there are a number of drug education and treatment options available through the Ministry of Health (Behavioural Health and Public Health Divisions), Ministry of Education (health education, drug free school programme, and "Palau Pride", a student initiative at Palau High School), the Anti-Substance Abuse Programme operated by the Ministry of Justice, the work of the Close-up Foundation in all high schools, and youth initiatives by churches and communities.

73. Right to development. All Palauan citizens have a constitutional right to free public education extending from pre-school through grade 12 (Constitution, art. 6 and PNC 4 and 22). Subsidized on-island tertiary education is available through Palau Community College, a United States-accredited two-year college offering associate degrees in various academic and vocational disciplines. In addition, Palauan citizens admitted to an accredited off-island tertiary institution and who have the prerequisite academic standing are eligible for partial assistance in the form of student grants or loans.

74. In practice, free public education from pre-school through grade 12 is made available to all children irrespective of citizenship. In addition to the public school system, schools are also operated by the Catholic, Evangelical Protestant, Seventh Day Adventist, and Modengkei Churches. While non-public schools and their teachers must be licensed, licensure is used only to ensure adherence to essential qualitative standards and not as a mechanism to restrict private sector initiatives.

75. In all, Palau is served by 24 elementary schools and 6 high schools employing 350 teachers of whom 80 per cent hold Bachelor's degrees. The Ministry of Education has recognized, however, that though the quantity of educational services available is more than adequate, the quality and relevance of services need to be improved if students are to be adequately prepared for the modern world of work which awaits them following graduation. Accordingly, the Ministry is now implementing an Educational Master Plan to remedy deficiencies in the system. Qualitative issues and current education strategies are covered in greater detail in section VII.

76. Development of the child requires more than formal education. It requires a supportive family environment and opportunities for cultural enrichment. It is recognized that for Palau's children to achieve their full developmental potential, strategies are needed to strengthen the family and community while assisting children to inculcate traditional Palauan values and skills.

77. Child development and child rights training for professionals serving children. The Committee has requested supplemental information regarding the extent to which child development and the Convention have been integrated into the pre-service and/or in-service training of professionals who serve children (e.g. teachers, health workers, social workers, judges, probation officers, police officers, prison officers and others). At the present time, Palau does not undertake pre-service training of these professionals with the exception of practical nurses/health assistants and police officers. The Community College, however, expects to initiate pre-service degree programmes in education and nursing in 1998/99. Because the current cadre of professionals has been trained in many different institutions in different countries and no survey specific to training related to child development has been undertaken, it is not possible for CoPopChi to respond to the Committee's query in a comprehensive fashion. To date, the following initiatives are worthy of mention:

- A childcare programme to be launched in mid-1998 by the Bureau of Public Health has training in childcare and child development among the priority objectives;

- The Bureau of Public Health has launched a long-term health awareness programme for high school freshmen which includes as one of its topics human growth and development; these topics being further reinforced through the school health curriculum taught in grades K-12;

- Pre-school teachers employed through the publicly funded "Head Start" Programme receive annual in-service training through the Palau Community College; early childhood growth and development are important components of this training;

- In-service training is also provided for all types of professionals; these training sessions provide opportunities for child development and Convention training to be provided. To date, such integration has been ad hoc and relatively informal (delivered by CoPopChi members when asked to speak at workshops or participate in courses as guest lecturers).

## D. Respect for the child's views

78. Under the law, children over 12 years of age have a right to express their opinions in court on matters relating to their own adoption (PNC 21.403). Children accused of a violation of the Criminal Code (PNC Title 17) likewise have the right to testify on their own behalf although they may not be compelled to do so. In all other matters, the law is silent on the rights of the child to voice an opinion. In matters before the court, the exercise of this right is at the discretion of the presiding judge. Palau has no ombudsman and the court employs no officer in the capacity of social worker with authority to investigate the situation of a child involved in a legal dispute and to provide impartial guidance to the court as to the child's best interest.

79. However, as previously noted, most matters of family law do not come before the court but are instead handled under custom law within the clan. Here, traditional attitudes may not always facilitate expression and consideration of the child's views. In Palauan tradition, the child is expected to:

- Be obedient to his/her elders (olngesenges ra r'meklou 'I chad);

- Submit to the authority of all elders within the community, each of whom has the prerogative to guide and discipline the child (nglalek buai/beluu);

- Be considerate to others (melengmes ra r'bekle chad);

- Be respectful toward parents, elders and custom, tradition, and all living things (mengull ra r'bekle chad e mengeluolu a siukang ma tekoil beluu);

- Know the appropriate time, place and manner of speaking (medngei a kirel ma diak el kirel mesaod ma belsechel 'longed-cheduch);

- Be sensitive to non-verbal communications by elders (melanges mad);

- Learn by observing others (sekutab ra ungil tekoi).

80. Children do, however, have rights to participate and voice opinions in a number of different ways, within civil society. Palau has a long tradition of community-based youth organizations; this tradition continues to the present day. Within these organizations, children and youth are able to make decisions and carry out initiatives for their own benefit as well as that of the larger community. These groups are active in sports and community projects; they may also form informal cooperatives where they work for income to support themselves and their group. As one example, in rural communities, youth groups provide a source of labour, often paid, for assisting women with heavy farm work. Unfortunately, in urban areas, youth groups in recent years have been displaced in this and similar roles by foreign contract workers. This practice robs the urban youth of a source of independent income as well as the opportunity to learn livelihood skills.

81. The high schools have various special interest student associations or clubs as well as a system of student government. These mechanisms provide children and youth with experience of group work as well as opportunities to express themselves. There are also opportunities for young people to express themselves artistically (through the annual Palau Festival of Music and Dance, and art shows organized by United Artists of Belau), orally (through speech contests and essay competitions sponsored as part of important community activities), and in writing (through the Palau Writer's Club headquartered at the Community College). The Continuing Education Division at Palau Community College is also active in sponsoring special interest classes geared toward students during school vacations; many of these classes assist students to express themselves through a variety of media. The National Museum also provides opportunities for cultural expression and a number of youth groups teach cultural dancing, chanting, and music for fun and for profit.

82. For the young person motivated to seek out opportunities for development and expression, there is an amazing diversity of options given the small size of Palau's community. It is unfortunate that only a small number of children and youth take advantage of these opportunities. Children and their parents need to be more aware of the potential for enrichment and development that these activities represent.

## IV. CIVIL RIGHTS AND FREEDOMS

### A. Name and identity

83. The law requires that every birth be registered within one week of delivery; a name for the child is required at the time of registration (PNC 34.40). Additional information requested on the birth registration form is the ages, addresses, and places of birth of both parents, and the date, place, and attendant at the birth of the child. Because of restrictions under Palauan law to nationality, land ownership and other rights to persons of non-Palauan descent and/or citizenship, parental information is of great importance since the information recorded in the birth registration is the most common means for a person to establish rights as a citizen and as a member of his or her respective clan(s).

84. For many years now, every birth in Palau has taken place within the health system. Compliance with the birth registration law is therefore 100 per cent. Children typically are given a Palauan name and a "church" name and most often carry the name of their biological father

irrespective of the marital status of their parents at the time of birth. In cases of customary adoption, a child may use the last name of his/her adoptive father although the legal name often remains as shown on the birth certificate. Until the last couple of decades, Palauans were typically relaxed about names and it is not unusual for middle-aged and older Palauans to be known by multiple first and last names. Since the institutionalization of a universal birth registration system, however, "naming" has become more westernized and less amenable to change.

85. In the event of a dispute about any aspect of an individual's identity, the matter might be resolved by his or her clan or might alternatively be brought before the court. Petitions to the court for a legal change of name account for more than 10 per cent of the court's civil caseload. Such cases generally involve the request of a newly emancipated minor to resolve anomalies between his/her legal name (as recorded on the birth certificate) and his/her common name (the name of the adoptive family used socially since childhood).

86. Under Palauan law there is an incentive for children who have been legally adopted through the court to know their birth heritage, for under PNC Title 21.409 an adopted child "shall inherit from his adopting parents the same as if he were the natural child of the adopting parents and he may also inherit from his natural parents and kindred the same as if no adoption had taken place". Based on community consultations about the Convention, however, it appears that this law is somewhat at variance with customary practice as informants indicated that responsibility for ensuring an adopted child's inheritance rightfully rests with the adoptive parents.

## B. Right to a nationality

87. All children born to persons of ethnic Palauan descent have the right to Palauan citizenship (Constitution, art. 3.1-4 and PNC Title 1). Ethnic Palauan children who by virtue of place of birth, residency or parentage are entitled to more than one citizenship may be recognized as Palauan citizens until the age of 18 at which time, to retain Palauan citizenship, they must renounce their alternative citizenships since the Palau Constitution does not permit dual citizenship. However, any person of Palauan descent over the age of 18 years who has acquired a foreign citizenship can reclaim Palauan citizenship through a process of naturalization. Children born in Palau to non-Palauan parents must acquire the citizenship of one or both parents.

88. There is no easy solution to the problem of ensuring the right to a nationality for non-Palauan children adopted by Palauans. Options include: (a) prohibiting Palauans from adopting non-Palauan children, although this could be complicated by the large number of Palauans residing abroad who could legally adopt in a foreign court but whose adoption would then not be recognized in Palau; (b) granting such children limited rights such as a permanent residency and a livelihood; (c) granting the right to carry a Palauan passport but not the right to inherit or own land; or (d) granting the right to full citizenship. At this time, there is a bill before the OEK which will grant permanent residency to non-Palauans legally adopted by Palauans. However, by regulation such children remain ineligible for material subsidies (e.g. subsidies for health services) or benefits reserved for citizens (e.g., educational scholarships and loans).

89. Under the current law, two problem areas have emerged. First, in relatively rare situations, the juncture of various national laws could conceivably render a child born in Palau stateless should the child not have Palauan blood and the parental country(ies) fail to recognize the child's citizenship therein. Second, while the law allows Palauans to adopt non-Palauan children, the act of adoption does not include the right for the adopting parent to transfer his/her Palauan nationality to the adopted child. Such a child is not eligible for a Palauan passport, subsidies and benefits bestowed by Government upon citizens (e.g., health subsidies), to own or inherit land in Palau, nor, as an adult, to be granted "permanent" residency. Were such a child to remain in Palau after reaching adulthood, his or her right to work and invest would be subject to laws governing employment and investment by foreigners.

90. The first situation would arise only in rare circumstances. In such cases, the Palau law is clear: the child is not eligible for Palauan citizenship; the responsibility for resolving the impasse would be borne by the country(ies) of parental citizenship. The second situation has already arisen and is expected to become more common in the future as Palau becomes increasingly multi-ethnic and as the Government strives to encourage overseas Palauans to return to Palau. Because the nationals of so many small countries have found themselves outnumbered by foreigners, this matter is of great sensitivity. Discussion of the Convention has provided a catalyst for bringing the issue before the public but at this time, there is no public consensus on a solution which will protect the rights of the individual child while simultaneously protecting the rights of Palauans as a whole to "reign supreme in their own homeland" (Preamble to the Constitution).

### C. Right to know and be raised by biological parents

91. Under Palauan custom, a child's primary affiliation is as a member of his or her maternal clan which bears the responsibility for rearing and educating the child. A child is also a member of his or her paternal clan, but this is normally a "weaker" link unless that link is deliberately strengthened as a result of a customary adoption into the paternal family.

92. In the event that the biological mother is unable to care for her child, the responsibility for ensuring the child's well-being is generally borne by the maternal uncle (or her eldest brother) who may be assisted in decision-making regarding the child's future by the clan elders. Today, it is most common for a child who cannot be cared for by his or her biological mother to be absorbed into the household of the maternal grandmother or aunt through a system of customary adoption. In most cases, the child will also be acknowledged by the paternal clan irrespective of the marital status of the parents.

93. Palauan elders consulted during preparation of this report indicate that by custom an adopted child does not have the right to know his/her biological parents although by the time of puberty, it is considered proper for the child to know his/her family history. Cases, however, were cited in which the child did not learn of his/her true parentage until adulthood. The decision and the timing for informing an adopted child about his parentage varies from family to family. During consultations, some older Palauans recounted their own experiences and expressed unhappiness about the way in which this information was imparted to them. Given the

frequency of customary adoption within Palau, this issue is worthy of more in-depth research as a basis for providing informed guidance to adoptive parents for handling this sensitive matter in accordance with the child's "best interests".

94. Although families may differ in their handling of information concerning a child's heritage, there are no legal impediments to the child having full knowledge at any time. With the sole exception of juvenile (criminal) proceedings, all court records are open to the public. Birth certificates as well as adoption certificates for court-approved adoptions can be accessed by any person, including the child concerned, if he/she knows how to initiate an inquiry.

Interventions by the court under family law

95. The following table shows the number of family law cases involving children which have come before Palau's courts in recent years. (The percentage shown refers to the total civil caseload.)

| Type of case | 1996 | | 1997 | |
|---|---|---|---|---|
| | No. | % | No. | % |
| Divorce or annulment | 24 | 4.6 | 26 | 6.5 |
| Child custody | 0 | - | 1 | 0.2 |
| Child maintenance | 4 | 0.8 | 2 | 0.5 |
| Adoption | 50 | 9.5 | 32 | 8.0 |
| Confirmation of customary marriage | 9 | 1.7 | 4 | 1.0 |
| Name change | 57 | 10.8 | 45 | 11.2 |
| Appointing legal guardian of a minor | 15 | 2.9 | 5 | 1.2 |

## D. Freedom of expression

96. The Constitution (art. 4) and the legal code (PNC Title 4) grant to all persons, without distinction, the right to freedom of expression. It is the opinion of the Attorney-General that these provisions apply to children as well as to adults.

## E. Freedom of thought, conscience, and religion

97. The Constitution (art. 4.1) and the law (PNC Title 4) grant to all persons the right to freedom of thought, conscience, belief and religion. These provisions apply equally to children as well as to adults. Although 89 per cent of Palau's population classify themselves as Christians (1995 census), there is no State religion, government interference in the expression of religious belief, or mandatory religious observance within public schools.

98. Church-owned and -operated schools are eligible for government grant-in-aid although this assistance represents only a small proportion of the cost of their operation. (In FY 94, 11 private schools, of which 10 Church affiliated, shared a total grant of $271,500.) Funds were allocated on a per-student basis with sums ranging from $5,800 for two private kindergartens to $86,500 for the Catholic Mission's elementary school serving nearly 350 students. The law

forbids discrimination against Church or private school students with respect to ancillary government assistance to education (PNC Title 22.181). Accordingly, the private schools and their students benefit from government services for transportation, health, curriculum support (although a uniform curriculum is not mandated), testing, special education, and special initiatives (e.g. the School-to-Work programme).

99. Within civil society, most children follow the religious practice of their parents with parental reaction to a child's expression of a contrary point of view dependent upon the parent's own strength of conviction. Most contemporary Palauans, however, do not have dogmatic religious convictions and movement between the various Christian denominations is not uncommon.

## F. Freedom of association and peaceful assembly

100. Freedom of association and peaceful assembly are rights guaranteed under the Constitution (art. 4.3) and the law (PNC Title 4) without age distinction. In the interests of promoting the well-being of children and of public order and safety, some states do have curfews which may apply only to minors. Koror, for example, has a curfew for children between the hours of 9 p.m. and 6 a.m., while the curfew for adults extends from 12 a.m. to 5 a.m. (State Ordinance No. 1-55). Enforcement of this and other curfew laws is variable.

101. Palau has a number of voluntary associations open to membership by children and youth. One or more traditional youth groups exist in every state and/or hamlet with the vast majority of young persons belonging, especially in rural areas. In pre-contact Palau, these groups played important roles in education and social control. These roles continue in contemporary Palau albeit in modified form. There are other non-traditional organizations for children and youth (e.g. sporting associations, boy and girl scouts, and church youth groups). These groups coordinate their work through either the National Youth Congress and/or the National Sports Association with both networks assisted by the Ministry of Community and Cultural Affairs.

## G. Protection of privacy

102. The Constitution (art. 4.4) grants to every person the "right to be secure in his person, house, papers, and effects against entry, search and seizure". Privacy is further protected by requirements for adherence to due process of law under the Constitution and the law (PNC Titles 4 and 17).

103. Within civil society, most material goods are owned in common by a residential unit and are shared amongst the members of the group under the control of the senior elder within the unit. Each individual, though, is generally recognized as entitled to certain "zones of privacy" (for example, his or her betelnut bag) for safeguarding valued personal belongings; most Palauans respect the rights of children to their own "zones of privacy" in accordance with their evolving capacities.

## H. Access to appropriate information

104. General situation. The Palau Constitution and law protect the freedom of the press (Constitution, art. 4 and PNC Title 4). For a small, geographically isolated community, Palau is well served by the media.

105. Palau has a biweekly newspaper, Tia Belau, which features local news. Two foreign dailies are also circulated widely, the Pacific Daily News (published in Guam) and the Marianas Variety (published in the Northern Mariana Islands). Palau has three radio stations, one government and two private, both of which feature news, public information and entertainment. Palau has one private cable television company which broadcasts on a fee-for-service basis across 17 channels to bring news (CNN), sports, education (Discovery Channel), and entertainment (from the major United States channels as well as one channel each from Japan, Hong Kong and the Philippines). One channel features popular United States educational programmes for children (e.g. Sesame Street, Barney, Puzzle Place, and similar fare) during the morning hours and another channel features children's cartoons from the early morning hours until 5 p.m. One channel is designated for local broadcasting featuring a combination of political (e.g. OEK debates), entertainment (broadcast of public events happening locally), and public information drawing from the Pacific region.

106. Seventy-six per cent of Palau's households have a television and 83 per cent have a radio (1995 census). Videos are also widely available and a large number of video rental shops serve virtually every community.

107. In 1997 a survey undertaken at one Koror elementary school found that the average student spent one and a half hours per day watching TV or video, but 37 per cent averaged more than two hours each day. This can be contrasted with the time spent in other after-school activities (table below). Over one third of students indicated that their family had no rules governing television viewing.

Time spent on selected after-school activities (% of 115 students in grades 4-8 at one church-affiliated elementary school)

| Hours (per day) | TV | Homework | Reading | Chores |
|---|---|---|---|---|
| None | 3% | 1% | 38% | 10% |
| < 1 hr. | 28% | 53% | 43% | 48% |
| 1-2 hrs. | 32% | 35% | 15% | 29% |
| > 2 hrs. | 37% | 11% | 4% | 13% |

108. Books and literature. The Ministry of Education, in association with the Palau Association of Libraries (an NGO), has developed a network of school-based community libraries throughout Palau which feature a range of children's literature. A librarian has been trained by the Ministry of Education and PCC to manage each of these libraries. Because Palau is traditionally an oral society in which reading for pleasure is not highly valued, the Ministry of Education and various NGOs are actively promoting reading through a summer reading programme for students.

109. Issues. Despite the ease of access enjoyed by Palauans, including children, to media, there are a number of issues relating to children and the media of concern to CoPopChi.

110. Issue 1 - local content. Tia Belau, one television channel and the two radio stations all feature local content, but none of this local content is geared specifically toward the needs or interests of children. The remaining media all feature foreign, predominantly United States content. While some of the programming is of high quality (e.g. the productions of the United States Children's Educational Workshop), much of the cartoons and drama are of dubious quality and do not reflect traditional Palauan values. In any event, most media geared toward children are in English, thus undermining formation and retention of the Palauan language.

111. Children's literature likewise is geared towards foreign settings and circumstances and predominantly uses English. Through the efforts of the Ministry of Education, some Palauan language children's books have been produced but the number of titles is few, the texts are now 15-20 years old, and the layout unimaginative in comparison to contemporary foreign texts. Because of the high cost of publication for small print runs, unfamiliarity of many Palauans with the standardized system of spelling and grammar recently promulgated, and the fact that many Palauans actually prefer to read English instead of Palauan, there are few Palauan language texts being produced now for either children or adults.

112. Issue 2 - Pacific content. With the exception of occasional shows produced in the South Pacific and run on the local television channel and two pages in the Marianas Variety dedicated to Pacific Island news, the American media and the American world-view dominate the Palauan media. As a result, Palauans, including children, have a limited perspective of Palau's place in the wider Pacific region.

113. Issue 3 - protection of children from harmful influences. There is no government censorship in Palau. While this is a positive fact, there is evidence that many adults are not cognizant of the potentially powerful impact of the media (especially television and video) on children. Hence, many families do not regulate children's access to the media. Such regulation ideally would take the form of family rules regarding viewing hours and content while encouraging "family viewing" which provides an opportunity for adults to discuss situations depicted in the context of Palauan life and values.

114. While most videos do carry American ratings, few Palauans understand these ratings and there are no legal restrictions on anyone renting "R"- or "X"-rated videos, including young children. Sexually explicit adult magazines and "sex toys" are sold openly in several of the larger stores in Koror and displayed in such a way that they are visible to any customer, including young children.

115. Solutions. While problems are easy to identify, they defy easy solutions. CoPopChi recognizes that the media, especially the broadcast media, have a profound influence on children and that unrestricted viewing of foreign productions is one factor undermining Palauan culture, language, and values. However, Palau is small, has few people trained in the media, has a small business community from which to generate advertising revenues, and enjoys no economies of scale in local production. To devise economically viable solutions to Palau's media-related issues, CoPopChi recommends that a special task force on the "Media and Palauan Tradition" be

created to devise specific strategies for harnessing the power of the media to advance Palauan culture and to improve the quality of programming, with special attention to the needs of children. In the interim, the Ministry of Education through the "Parent-School-Partnership Initiative" hopes to enhance awareness among parents of the need for parental discretion with respect to television viewing.

### I. Freedom from torture and cruel, inhuman or degrading treatment or punishment

116. The Constitution (art. IV.10) prohibits capital punishment, torture, cruel, inhumane or degrading treatment or punishment and excessive fines. A system for complaint and oversight exists to ensure that these constitutional guarantees are respected in practice. Life imprisonment is allowable only for murder. In the past two years, three juveniles have been charged with murder. In each case, plea bargaining has resulted in prosecution on lesser charges specifically to avoid the possibility of a life sentence.

## V. FAMILY AND ALTERNATIVE CARE

### A. Parental guidance

117. The law. Palauan law clearly allocates responsibility for the care and control of a child to his/her parents or to other persons having custody of the child. The Constitution states that parents or "individuals acting as parents" are legally responsible for the support and conduct of minor children (art. 4.13). The legal code states that persons having custody of a child, irrespective of blood relationships, are responsible for meeting that child's basic needs (PNC 21.6). Under an alternate section, the code states, "A parent or guardian having custody of a child is charged with the control of such child and shall have the power to exercise parental control and authority over such a child." Should the court rule that a child is a "delinquent child" and the parent or guardian has contributed to that delinquency by failure "to subject the child to reasonable parental control", the parent (or guardian) may be subjected to a fine (PNC 34.61.31-32).

118. The Palauan family. Traditionally, the clans were the foundation of Palauan society. Since only a man of some maturity was in a position to build his own house, most children spent their early years in the home of grandparents, initially in the home of their maternal grandparents (or uncle) during the post-partum period and returning there with their mother for subsequent deliveries. The home of their paternal grandparents, however, was more likely to serve as their "permanent" abode. Clan elders from both lineages were then central figures in the early lives of most children. Since the biological parents were often busy with fishing (father) and farming (mother), the elders had a critical role in transmitting knowledge and skills and moulding the attitudes and values of young children. It was in this manner that life-skills and the value system which together comprise the essence of the Palauan culture were transmitted.

119. The maternal uncle (or alternatively, the mother's eldest brother) played a special role in child-rearing for it was he who would protect the child, his/her siblings, and his/her mother in the event of marital breakdown. He assumed a major responsibility for teaching traditional life-skills to his sister's sons and also an important role in discipline.

120. Today, the extended family, the clans, and the lineages are still very important. But because the style of residence has changed, the daily influences of the extended family are less pervasive than in the past. No longer do most children have multiple role models residing within their household. While the members of the extended family may still intercede in times of crisis, they are less likely to have direct, daily influence on the thought and behaviour patterns of the young.

121. The modern residential style can be described as "modified nuclear". Households are becoming smaller with less intergenerational representation. Nevertheless, there will typically be at least one non-parent (and one non-domestic helper) adult in residence. Parents therefore have greater direct responsibility for child-rearing than in the past. Frequently all parental figures in a household are now employed. A decade ago, a child whose parents were both working would be cared for by a grandmother or aunt. In rural areas, this is still the common practice. In Koror, though, it is now common for families to employ a foreign domestic helper to provide childcare and maintain the household.

122. The Palauan family is changing at a rapid pace. Between 1990 and 1995, the proportion of female-headed households increased from 20 per cent to 24.5 per cent. And despite the equality traditionally enjoyed by Palauan women, female-headed households are at an economic disadvantage with a median income of $6,587 against $10,304 for male-headed households (latest available data for 1989 drawn from the 1990 census). In 1990, 59 per cent of children resided in households in which both parents were present; by 1995, this proportion had declined to 50 per cent. In 1990, 55 per cent of women with dependent children under the age of six were employed in the formal labour force; by 1995, this proportion had increased to 75 per cent.

123. In summary, some of the key changes which are taking place within contemporary Palauan families are:

- Parents are being called upon to be Western-style parents in an increasingly nuclearized family; these are roles for which many contemporary parents do not themselves have a role model;

- Nuclearization increases the isolation of the family and has been implicated as a factor contributing to stress, alcohol abuse, and spouse and child abuse;

- The roles of men have changed more markedly than have the roles of women with men expected to take greater responsibility for the care and nurture of their own children with less assistance from the child's maternal relatives; conversely, men are less involved in the rearing of their sisters' children; some, albeit not all, will still intervene in times of crisis;

- Palauan women are increasingly busy with employment, subsistence, civic affairs and custom; the increasingly heavy burden of custom is cited as a factor contributing to diminished nurturing and supervision of children;

- Because of the time burden of work and custom, many families now employ foreign domestic helpers; many Palauans though believe this encourages parents to

over-delegate child-rearing thus undermining the child's cultural and linguistic development while making older children "lazy" by relieving them of home duties they formerly performed;

- Finally, contemporary reproduction and migration patterns mean that many children are raised by persons other than their biological parents, although the vast majority of these children are well-adjusted, contributing members of their society, this is recognized as one of the factors which places a child at risk of social and cultural alienation and delinquency.

124. Nurture and guidance. Palauans believe that childhood is a very special time during which parents and the extended family must love the child and raise him/her to become a responsible person. This guidance along the "right" path toward wisdom and responsible adulthood is traditionally recognized as one of the inalienable rights of the child essential for protecting his/her "best interests".

125. Palauans believe that children have a right to be taught and guided along the right way. A key objective of traditional child-rearing practices was to teach a child to be a meral ngelekel ulled (or "a child of the back", one who behaves appropriately irrespective of the presence of parents or other family) for such a child brought honour to himself as well as to his family. Fundamental cultural values transmitted to the child in the home and community included:

- Respect (omengull);
- Responsibility for duties (ngerachel);
- Obedience, kindness, and perseverance (blekongesenges ma blekokeuii ma ducherreng);
- Visiting among relatives (odingel ra klauchad);
- Humility of action and speech (osisecheklel a klengarioulreng ma chomelekoi);
- Care, love and compassion (ulekerreu ma klechubechub);
- Concern for the blai (home or kinship group) and beluu (village) (chelbulel a blai ma beluu).

Of these values, the most important was respect for other people, for the land, for the sea, and in fact, for all living things.

126. Traditionally, although the responsibility for guiding the child belonged first and foremost to parents and close relatives, the community as a whole also had responsibilities. Any adult could intervene to teach or discipline a child confident that their intervention would be appreciated by the child's parents. Today, changing family and social structures have robbed the child of many traditional sources of guidance and teaching. Some of the changes within the immediate family and household have been highlighted in preceding paragraphs. Additionally,

many families are no longer teaching traditional values nor have they replaced traditional values with equivalent contemporary values. While a child's immediate adult relatives (aunts, uncles, grandparents) may still teach and discipline when they are present, community parenting is no longer widely practised in Koror where most children live. Too many children learn their values, attitudes, and behaviour from television or "on the streets" from their peers. As a result, even pre-school and elementary schoolteachers complain that children today are hard to discipline, disrespectful, and ill-prepared to learn. As children age, the problem becomes more serious, so that a significant number of contemporary youth are ill-prepared to accept guidance and supervision. This undermines their school performance and, subsequently, their work performance as well.

127. Assistance to parents and families. Despite social change, grandparents, especially maternal grandparents, remain the first and most important source of information and support to parents.

128. Health educators within the Bureau of Public Health provide generalized public information about children's physical, mental, and socio-cultural health. The maternal and child health nurses within the Bureau of Public Health are the first and probably most important providers of professional information for most parents (although they reach mainly mothers or mothers-to-be, having little contact with fathers). These nurses are also important "gatekeepers" linking parents with special needs to other care providers. Such providers include: (a) a nutrionist and an MCH social worker within the Bureau; (b) the Behavioural Health Division of the Ministry of Health which assists with a wide range of psycho-social problems; (c) the Victims of Crime Assistance Office (also within the Ministry of Health) which provides counselling and support services for victims of spouse or child abuse; (d) the Family Food Production and Nutrition programme of the Palau Community Action Agency and the Land Grants Programme of the Community College, both of which provide information and practical assistance for meeting children's nutrition requirements; (e) the Special Education Unit within the Ministry of Education which provides educational and other support services for any child of any age with a mental, physical, or emotional disability; and (f) the Legal Services Corporation which provides free legal advice to low-income families on any civil matter. Although Palau has no welfare system, children whose parents have died and were enrolled while actively employed under Social Security (which insures private sector employees) or the Civil Service Retirement System (which insures government employees) will receive monthly maintenance allowances until age 18 (or 21 if full-time students).

129. From time to time, the Ministry of Health has attempted to provide other types of psycho-social support services, such as parenting classes and special purpose support groups. These initiatives, however, have not proven sustainable for it appears that Palauans are still most comfortable in seeking assistance from relatives in traditional settings. The challenge then is for the professionals to assist traditional "helpers" to in turn assist parents.

130. Recognizing that older female relatives remain one of the most important sources of information and support for young parents, the Bureau of Public Health has taken the campaign to promote breastfeeding to the mechas (elder women) by conducting breastfeeding awareness

seminars and breastfeeding support training for these women who are now grandmothers or aunts and in a powerful position to influence the attitudes and behaviours of their daughters, daughters-in-law and nieces.

131. Teachers are also "gatekeepers" trained to recognize social, physical and mental problems affecting the child and to refer parents to sources of information or support. Through a new initiative called the School-to-Work programme, the Ministry of Education is attempting to forge a stronger partnership among children, parents and the schools and to assist both school personnel and parent-teacher associations to play more active supporting roles for parents. In addition to government services, the Palau Red Cross Society is a newly organized NGO which provides material assistance to families in crisis (for example, victims of home fires and similar disasters). Churches also provide information and psycho-social support to families. For example, in the recent Substance Abuse Survey, the Behavioural Health Division learned that Palauans seeking help for substance abuse problems were most likely to turn first to church leaders. This finding underscores the importance of church networks in providing social support to families.

132. Traditional leaders, especially women's leaders, indirectly assist families. For example, traditional women's leaders have recently taken initiatives to simplify certain customary celebrations in the interest of reducing the financial and time burden imposed by custom. Policy makers may also offer similar assistance. (For example, the Koror State Legislature has prohibited the holding of certain customary celebrations in Koror State during the months of August, December and January. The purpose is to allow families to prepare their children for the school year in August and to enjoy Christmas and the New Year in December-January free of the responsibilities of custom.)

133. It is widely recognized that the preservation of the Palauan culture depends on a strong and healthy family. Many Palauans agree that support for families is inadequate and recognize that many forces within the community act to pull children and parents apart rather than bring them closer. Among these forces are social observances, and to a lesser extent customary observances, which tend to divide the family by involving only some members (e.g. women or men or schoolchildren or youth) rather than the family as a unit. A variety of social progammes have been created, some in response to real locally identified needs, others in response to American needs presumed to exist similarly in Palau. There are, for example, programmes which aim to benefit senior citizens, youth, children, women, the disabled, the criminally inclined, and the drug and alcohol abuser among others. There are, however, virtually no progammes targeting families as a social unit, despite the acknowledged importance of strengthening the family.

134. While CoPopChi has identified some strategies for strengthening and supporting families, the Committee recognizes that much more attention must be focused on this critical development area.

135. In the above discussion, which focuses on social change and the Palauan family, issues and problems have been highlighted. This is one reality. There is, however, an alternative reality, for Palauans as a whole are very satisfied with their lives and, in particular, are satisfied with the strong sense of community they enjoy. In one 1996 survey, 66 per cent of Koror

respondents and 82 per cent of Babeldaob respondents expressed a high degree of satisfaction with their lives while 52 per cent of Koror residents and 49 per cent of Babeldaob residents indicated a desire to change "almost nothing" about their lives. The same respondents also expressed optimism that the quality of their lives would continue to improve especially as a result of increased mobility occasioned by the Compact Road and the resultant positive impact on family, clan, and community relationships (Palau Resources Institute, 1997). In another survey by the Ministry of Health, 94 per cent of respondents indicated satisfaction with the sense of community they enjoy in Palau. Of particular significance, younger respondents (high school level) rated Palau's sense of community even higher than did Palauan adults (Community Quality Survey, 1996). These results clearly indicate that despite social change and ensuing social problems, Palauans enjoy a wealth of social capital.

136. Services to assist children of working parents. By 1995, 75 per cent of children under the age of six resided in households in which all parental figures resident in the household were employed in the formal economic sector (census, 1995). This represents a 20 per cent increase in only five years with a similar rate of increase projected for 1995-2000 (CoPopChi, 1997). To meet the growing need for childcare, one in five households employs a foreign domestic helper.

137. Neither employers nor the private sector has yet responded to changing household characteristics by making available alternative childcare services (e.g. crèches, in-house childcare, free-standing fee-for-service childcare, after-school care programmes or other similar services). Some employers, however, have responded informally by allowing parents to occasionally, or in some cases regularly, bring their children with them into the workplace.

138. The Bureau of Public Health plans to open Palau's first childcare facility in 1998. This facility will serve staff and clients and it is hoped will provide a model which can be adapted by other employers and/or by the private sector. At the same time, CoPopChi seeks to encourage employers to experiment with "family friendly" initiatives, such as those now common in many parts of the United States (e.g. flex time, breastfeeding breaks, family-leave policies and telecommuting).

139. Assisting parents to know and respect the rights of the child. CoPopChi members have spoken at a number of parent meetings to promote general awareness about the Convention. The first seminars in which there was an extended two-way exchange about the Convention in the context of the Palauan family and tradition took place in late 1997 pursuant to preparation of this report. This process of dialogue must be continued and intensified.

### B Joint parental responsibilities

140. Legal responsibilities. By law, biological parents are equally responsible for the care of their children (Constitution, art. 4.13). This was recently upheld by the court as not contradicting Palauan tradition whereby the child is the primary responsibility of the maternal lineage. As previously noted, parental responsibilities can be assumed by other people, both kin and non-kin, through formal or informal customary adoption. The law recognizes the customary fluidity of residential patterns by explicitly recognizing the person(s) having custody of the child as bearing the immediate responsibility for meeting the needs of the child and for providing reasonable parental control.

141. In cases where the court is asked to dissolve a marriage by annulment or divorce, the law authorizes the court to "make such orders for custody of minor children [and] for their support" in accordance with justice and the "best interests of all concerned" (PNC Title 21.302). The law further requires that "any person legally married either by law or in accordance with established custom who causes such marriage to terminate either on his own initiative or for any of the [grounds for divorce cited in the law] ... shall provide support for each child of that marriage under 18 years of age including offspring born of that union and children adopted legally or adopted in accordance with established custom during the time of the marriage" (PNC Title 34.335). Court records show that disputes over custody and/or child maintenance are relatively rare (six custodial disputes and one maintenance dispute filed with the court for the 1996-1997 period). From this, it can be surmised that the customary system for handling custodial and maintenance issues continues to function to the satisfaction of most Palauans.

142. Custom. Under Palauan custom, the child has primary membership in his/her maternal clan which bears the main responsibility for rearing the child (except under certain types of adoption in which these responsibilities are explicitly transferred to the paternal clan). However, there are specified times when the paternal clan is responsible for providing payment to the maternal lineage for the care of the child. This payment is normally in the form of a lump sum rather than in the form of periodic maintenance. Such payment always occurs at the ngasech (first baby ceremony) and at the eldecheduch (a gathering where inheritance is agreed upon for children and/or spouse of a deceased).

## C. Separation from parents

143. The Law. There are no provisions under the law for a child to be forcibly removed by the Government from his/her parents or family although a person (including a parent) accused of child abuse or neglect will be ordered to have no contact with that child until the case is resolved. A person, including a parent, convicted of child abuse or neglect can be sentenced to a prison term of up to five years, thereby forcibly removing the parent from the child (PNC Title 21.601-606).

144. Except in cases of abuse or neglect, the law presumes that the extended family will provide for the child in the event that the parent(s) cannot or will not. In fact, the maternal uncle and/or the clan elders do generally intervene. However, social workers note that they experience increasing difficulty in successfully integrating a child in crisis into a household within his/her extended family. In partial response to difficulties encountered, VOCA has established a free-standing refuge for victims of child abuse/neglect and/or domestic violence. This refuge, however, can provide only short-term accommodation; it is not a long-term answer to meeting the needs of children in crisis. Additionally, funding for the refuge derives from United States federal grants which are being phased out. As there is little awareness among policy makers or the general public that there exist Palauan children "in crisis", VOCA may experience difficulties in sustaining the refuge after cessation of the federal grants now supporting it.

145. As Palau becomes increasingly multi-ethnic, an additional issue emerges that most non-Palauan children do not have the social security provided by the extended family and clan system. While no cases have yet come to the attention of government authorities, it is inevitable that the situation will arise where non-Palauan children also need protective or custodial services and will have no extended family or clan network to fall back upon.

146. Custom and civil society. When the situation arises that a mother is unable or unwilling to care for her child, it is most common for the child to be absorbed into the household of another maternal relative. In some cases, the decision about the child's residence and the person to assume "parent-like" responsibilities will be made formally by the head of the clan or the clan leaders. In other cases, the decision will be made informally. In either case, the child, the custodial parents, or another relative can intervene to change the child's residence if it appears that the best interests of the child and/or family would be better served by an alternative arrangement. In most situations, these arrangements serve the best interests of the child and are in accordance with the Palau tradition in which the extended family has been described as a "house of many rooms" with movement between the rooms not considered to be of great significance. It is recognized, however, that there are cases in which the ease and informality of movement may deny the child the nurture, guidance and discipline that are rightfully his/hers. Although definitive research is lacking there is anecdotal evidence that it is children "adrift within their extended families" who are at special risk of encountering social and developmental problems.

147. Maintaining parent-child contact. There is no specific legal protection which ensures that the child separated from his or her parent(s) will be allowed to maintain contact. It would, however, be unusual for a family to deny contact with a non-residential parent, especially if such contact were requested by an older child. In cases where there is enmity between the maternal and paternal families, however, the custodial family may not overtly encourage or facilitate such contact.

## D. Family reunification

148. The Palau Government imposes no restriction on the movement into or out of Palau by citizens for any purpose, including family reunification, except for: (a) persons under investigation, indictment, or conviction of criminal offences; or (b) children subject to court-appointed custody arrangements when such movement is considered to be contrary to the "best interests of the child". In Palau the Criminal Code is not abused as a tool for political manoeuvre. Under the Compact of Free Association, Palau citizens have complete freedom to enter, reside and leave the United States, its territories and possessions for any purpose. The entrance of Palau citizens into third countries is subject to applicable immigration controls.

149. In the case of non-citizen residents, the Palau Government imposes no restrictions on their right to leave Palau and enter their own (or a third) country for any purpose, including family reunification. Entrance of non-citizens into Palau for family reunification is subject to immigration and labour laws. In general, non-citizens holding valid passports and return tickets are allowed to enter Palau for a period of 30 days to visit family without restriction. Residence beyond 30 days is subjected to: (a) police clearance; (b) medical clearance; and (c) payment of a dependant's fee of $500. Non-citizen dependants are not allowed to work unless they are in

possession of a valid labour permit. In practice, most foreign workers are recruited on a single status and their employment involves separation from their families and children. It is the position of the Palau Government that this is a matter of personal choice and that Government has no obligation to liberalize immigration requirements in order to facilitate cohabitation of non-Palauan children with their parents.

### E. Illicit transfer and non-return

150. Enforcement of maintenance orders and combating illicit transfer of children between Palau and United States jurisdictions was formerly covered under the United States Uniform Reciprocal Enforcement and Support Act. However, this law lapsed upon independence (a situation which has only recently come to the attention of authorities). OEK action is now needed to voluntarily extend the Act to Palau, this action is being recommended by the office of the Attorney-General.

151. Palau is not a signatory to any other international agreements or treaties regarding mutual enforcement of child maintenance orders or recovery of children illicitly transported abroad. Palau, however, is rapidly expanding its network of diplomatic relations and in most cases, normal intercountry arrangements would enable the Government to seek remedy for the illicit transfer of a citizen child. To date, such a situation has not arisen.

152. Pursuant to article 27.4 of the Convention, it is relevant to note that Palauan law specifically excludes action taken with respect to a parent's biological minor children from being defined as kidnapping under Palau's criminal statute (PNC Title 17.18).

### F. Recovery of child maintenance

153. Domestic arrangements. As previously noted, the law allows the court to order child maintenance by a non-custodial parent although maintenance is normally handled within the customary system.

154. International arrangements. Under the provisions of the Uniform Reciprocal Enforcement and Support Act, Palau previously was able to enforce maintenance orders by United States courts when a responsible biological parent resided in Palau. As noted, this Act has lapsed so that temporarily Palau is able only to seek voluntary compliance by the resident parent.

### G. Children deprived of a family environment

155. In the event that a mother is unable or unwilling to care for her child (children), care would be arranged by the mother's family or clan through either informal or formal adoption. Government intervention would occur only rarely and would aim to facilitate clan decision-making.

156. A few rare cases have arisen in which a mother has abandoned her child after birth and the maternal family has not come forward to take the child. In these few cases, the Ministry of Health in cooperation with the Ministry of Justice has been able to make alternative arrangements for legal adoption, most often with Americans resident in Palau. Such cases, however, are exceedingly rare.

## H. Adoption

157. Adoption, both formal and informal, is common in Palau. In most cases, Palauan adoption practices do not adhere to the criteria of the Convention for State supervision. For this reason, considerable attention was given to considering Palauan practices in the context of the Convention's article 21 during the consultative process preparatory to this report.

158. Legal adoption. Palauan family law provides for legal adoption by any person who is not the child's biological parent provided that: (a) the court is satisfied the adoption promotes the best interests of the child; (b) the natural parent(s) have given written consent except when insane, incompetent, or having abandoned the child for six months or longer; (c) the child proposed for adoption has appeared before the court; and (d) if the child is over the age of 12 years, he or she has consented to the adoption (PNC Title 21.401-409).

159. During the process of consultation, it was determined that existing safeguards are not entirely adequate to protect the interest of the child. It is noted that the court employs no social welfare officer nor has in place procedures whereby the advice of an impartial professional may be sought with respect to the "best interests of the child". (Such advice could be made available by agreement with the Ministry of Health or VOCA for qualified professionals to undertake background checks and home studies prior to finalizing adoptions.) There are also no special safeguards in place in the case of adoption by non-citizens and/or non-residents. There were anecdotal reports of incidents where the adoption process has been allegedly abused during domestic adoption and despite the absence of cases to date, the potential for abuse in the case of international adoption is recognized.

160. Based on the comments received, it appears that necessary safeguards can be instituted through amendment to regulations pursuant to existing laws. Although there is an obvious preference for adoption to respect the child's ethnic background, especially in the case of ethnic Palauan children, the working group which considered the issue of adoption pursuant to the Convention did not recommend banning inter-ethnic adoptions provided that the court gives due consideration to the best interests of the child and the child's right to receive care, guidance, and nurture insofar as possible within his/her extended family.

161. The special difficulties encountered when a child of non-Palauan ethnicity is adopted by ethnic Palauan parents have previously been discussed.

162. Customary adoption. Customary adoption is very common in Palauan tradition. Commenters identified 14 different types of adoption with types determined by both the relationship between the child, the biological parents, and the adopting parents and the reasons for the adoption (see below). While these adoptions are legally recognized when carried out in accordance with recognized custom, there is no requirement for court concurrence or for

registration. Customary adoptions generally come under the jurisdiction of the court only if there is an externally imposed reason for court involvement such as a dispute about custody or inheritance or the need for an adoption certificate to be issued to satisfy formalities imposed by foreign Governments (e.g. for immigration purposes).

163. In Palauan customary adoption, there are many different adoptive relationships each having implications for the rights and power granted to the adopted person. Rights and power relate directly to living arrangements, land use, title acquisition, inheritance, and participation in family or clan decision-making. Key factors influencing the rights and power accorded to an adopted person are: (a) how the person came to be adopted; (b) the blood relationship between the adopted person and the adopted family; (c) gender as an adopted female or an adopted person descended from the maternal line will be accorded greater power than a male or a person descended from the paternal line; and (d) the contribution of the adopted person to his/her adoptive family. Of these, the most important is the contribution of the adopted person to the adoptive family as consistent contributions beyond the norm can earn an adopted person rights and privileges almost equal to those of a natural child of the adoptive family. Participants in the Convention consultative process identified 14 different terms which translate into English as "adoption". These terms, listed in the order of the relative power they confer on the adopted person, include:

- Omerodel is a general term referring to any child who was not conceived and born to a set of parents who call the child theirs;

- Ngalekulaol (literal translation, "child of the floor") refers to a child of a female member of the family raised by his/her maternal uncle;

- Ildeuekl 'l Ngalek (alternative terms with similar meaning, rirot chochil a ourrot or ulechell el mirrodel) refers to a child of a male member of the family/clan raised by the matriarch or other female family member;

- Mlodars a Keai refers to a child adopted by parents who have no relation to the natural parents (in the old days, the keai - the base of the leaf of the betelnut tree - was the container used to hold small babies: the term describes how the child was acquired for it implies that the adoptive parents held the keai towards the natural parents to beg them to have the child; such a child is generally considered very special);

- Chelteklel a Chebechiil (alternative terms, Chelteklel a Demal or Chelteklel a Delal refers to a child brought into a marriage by either a wife or husband (most often by the wife);

- Ngka 'l Ngalek a diak 'l Ulechellel refers to a child not fathered by the husband which means a child brought in by the wife;

- Ulechell Bai refers to a child of a woman concubine; there are no more of these children in Palau today;

- Rreb 'l Ngalek refers to a child conceived out of wedlock but later brought by the mother into a marriage;

- Ultechakl (literal translation, "to be stuck" on a beach, against a dock, or on a rock after floating ashore) refers to a child who wandered into the adoptive family; the blood relations between the adoptive and natural families would be either very distant or non-existent;

- Rruaol refers to a person who became a member of a family by wandering into the compound (in the old days an adoption of this nature would occur when a person was foraging in the woods for food and lost his/her way before wandering into a compound and eventually becoming part of the family; today, the term is generally used to refer to Palauans of pure Japanese, Okinawan or Korean ancestry who were left behind after the Second World War and taken in by a Palauan family).

164. Custom adoption therefore raises two important questions in the context of the Convention. First, is custom adoption technically "adoption" as the word is used in Western jurisprudence? Second, do customary adoptions generally serve the best interests of the child concerned?

165. Issue 1. As understood by commentators, the English term "adoption" refers to a legal process whereby the legal, social and inheritance ties between a child and his/her birth parents are completely severed. The various Palauan terms translated into English by the single word "adoption" do not adhere to the English concept of adoption because: (a) while the Palauan child "belongs" to his birth parents, he/she simultaneously "belongs" to a much larger circle of family and clan relations; (b) adoption generally takes place within the wider family and clan, thus altering and expanding the roles and responsibilities of the different family members towards the child; but (c) Palauan adoption does not sever the relationship between the child and his/her biological parents; rather it forges a new triangular relationship involving mutual obligations which link the child, his/her biological parents, and the adoptive parents.

166. Issue 2. In order to determine if customary adoption in general, or a specific act of adoption in particular, serves the best interests of the child, it is necessary to examine relevant Palauan values and the common reasons for adoption. Relevant values include:

- High priority given to a child having two parents;

- High priority given to a child having a complete identity including a connection to a blai family), telungalek (extended family), kebliil (clan), and klebliil (federation of related clans);

- Assurance that a child's relationship to his/her biological parents (especially to the mother) can never be severed;

- Concern that the well-being of the larger kin group takes precedence over the well-being of any single individual.

167. Within the context of these values, adoption takes place for four primary purposes:

- To provide for the child's proper upbringing and especially to ensure that the child has two parents;
- To help the child and/or his/her mother (especially if the mother is unmarried or otherwise experiences difficulty in rearing the child);
- To strengthen kinship ties;
- To assist the adoptive parents as when they are unable to bear children or are elderly and in need of assistance.

168. In contemporary Palau the most common reasons for adoption are to ensure the proper upbringing of the child by two parents and to assist the mother (and through the mother the child) when she is unable to provide for her child especially in the case of young, unmarried mothers. While adoptions for the purpose of strengthening kinship ties or to help family members in need of assistance still occur, these are generally secondary considerations in determining the most appropriate placement for a child in need of adoption for purposes of ensuring his/her well-being.

169. Recommendations. Adoption is a common and important part of the Palauan culture. As such, it is a sensitive issue. It is an essential feature of the safety net the culture extends to every child but at the same time, it can be inappropriately used and lead to psychological and emotional trauma for the very children the practice aims to protect. Moreover, alterations to customary adoption practices would reverberate throughout the culture and ultimately require substantial investment in social services - investment which Palau cannot afford at this juncture. Additionally, it is noted that formalized social welfare services have often failed to effectively promote the "best interests of the child" in many other countries. Having examined the issue, CoPopChi recommends that a Palauan researcher(s) be assisted to objectively examine the issues surrounding customary adoption with special attention to describing the life-long impact of adoption on currently living persons adopted as children. The aim of such a study would be to develop a solid information base to support subsequent recommendations and policies.

170. Until research can move discussion beyond anecdotal accounts to a more objective base drawing from a statistically valid sample of informants, CoPopChi does not believe that the interests of Palauan children would be well served by altering existing policies supportive of customary adoption. Rather, CoPopChi believes that the medium-term focus should be one of education and advocacy which: (a) emphasizes the right of the child to be adopted only if this promotes his/her best interests; (b) emphasizes the right of every child to a secure and stable family life thus discouraging informal arrangements whereby the child may drift between two or more residential households; (c) emphasizes that a child "able to form opinions" has a right to be given a voice in clan and family decision-making with respect to residency and customary adoption; (d) reinforces the customary responsibility of the maternal uncle for ensuring the well-being of his nieces and nephews; and (e) discourages early sexual relationships and out-of-wedlock parenthood especially among teenagers ill-equipped to rear their children, thereby reducing the need for customary adoption.

## I. Periodic review of placement

171. Palau has no institutions for children (e.g. orphanages, detention centres, or care facilities). Forcible placement of a child outside of the family can occur only with respect to: (a) child offenders; or (b) the mentally ill child who presents a danger to self or others.

172. The Attorney-General notes that child offenders are imprisoned only as a "last resort" and then for brief periods in the hope that the experience facilities rehabilitation. Child offenders in custody are subject to court review and supervision.

173. In the case of the mentally ill, forcible commitment to the mental ward at the national hospital is allowed pursuant to PNC 34.501-570. This legislation includes a number of safeguards to ensure due process, medical review, court review, and protection of basic rights (including right to an attorney, freedom of communications, freedom to receive visitors, and protection against electroshock treatment). These safeguards cover both children and adults. In actual practice, forcible commitment under the mental health statutes occurs only rarely (one case only in 1996-1997) and has never been invoked for a child. Inpatient treatment of children is likewise rare, of relatively short duration for purposes of crisis management, and used only as a measure of last resort where behavioural health professionals in consultation with the child's family determine that impatient care serves the "best interests of the child."

## J. Abuse and neglect

174. The law. Child abuse and neglect are covered under the Child Abuse Statute (PNC Title 21.601.606). This statute: (a) defines child abuse (see below); (b) institutes a system of mandatory reporting of suspected abuse by designated health and education personnel to the Director of Public Safety; (c) requires police investigation of allegations within 48 hours of complaint with the results of the investigation to be communicated to the Attorney-General; (d) suspends normal privileges of communication between spouses and doctors/patients who testify regarding alleged abuse; and (e) provides for criminal penalties ranging from fines of $500 to $5,000 and/or incarceration for periods of up to five years upon conviction.

175. Under the statute (PNC 34.601), abuse and neglect are defined as follows:

- Abuse is any wilful or negligent act or punishment which results in harm or threat of harm to the physical or mental health of a child and which leads to consequences including but not limited to death, fractures, burns, bruises, severe psychological or emotional trauma, or illnesses not explainable on the basis of a natural disorder;

- Neglect is wilful or negligent acts which result in failure by the custodial adult to provide a child with adequate nutrition, medical care, clothing, shelter, proper supervision, or other basic needs which results in the child's physical or mental health being threatened or harmed;

- Sexual abuse means any wilful or negligent sexually-related activity for the purpose of sexual gratification, pleasure or profit by any person with a child under the age of 16 who is not the spouse of the perpetrator.

176. Although sexual abuse is covered under the child abuse statutes, other statutes may also apply with some carrying higher penalties: (a) rape (of a female who is not the wife of the perpetrator) carries a maximum sentence of 25 years (Title 17.2802); (b) sodomy against either males or females carries a maximum sentence of 10 years (Title 17.2803); (c) carnal knowledge of a female under 15 years of age carries a maximum penalty of 10 years (Title 17.2804); and (d) indecent assault or improper liberties with a child (of either sex) under the age of 14 years carries a prison sentence of 5 years (Title 17.2806).

177. Research into child abuse and domestic violence. Three recent studies have focused on child abuse. In 1991, a household survey found evidence of an emerging problem of both sexual and physical abuse, but sampling methodologies did not support a numeric estimate of prevalence (MOH, PCAA). A second 1992 study used key community informants to identify those situations in which Palauan children were at risk of abuse. This study found that adopted children and stepchildren were at greatest risk. While the vast majority of adopted and stepchildren are well integrated into their families, these children are apparently at some risk if their adoptive family comes under stress as a result of death, divorce, or poverty (Micronesian Seminar). A third 1996 study aimed to derive a community definition of abuse/neglect. The study found most Palauans comfortable with physical discipline but not when it results in injury or serves as an outlet for the anger of the parent (or other caregiver). Palauans define severely abusive behaviour to be "abuse" in similar proportion to other cultures and also recommend outside intervention in a similar proportion of serious cases. There is less consensus on mild to moderate forms of abuse, particularly emotional abuse, and reluctance to recommend outside intervention in such cases (A. Futterman, 1997).

178. Only one study has focused on domestic violence. This study concluded that domestic violence was rare (and possibly non-existent) prior to the Japanese era. The traditional family system was such that a man (and his clan) would have been subject to derision and heavy monetary liability in the event of abuse. Domestic violence has arisen and become more commonplace in direct proportion to the changing family structure and increasing prevalence of alcohol abuse. Today, violence is most common among young, educated, elite couples. For both traditional and modern reasons, female victims of abuse are subjected to considerable social pressure to maintain the marriage despite the abuse. It appears that for many women, "any husband is better than no husband" (K. Nero, 1990).

179. Recognizing that most Palauan adults are comfortable with physical discipline, VOCA has focused its initial efforts at public education to combat child abuse by urging parents to:

- Learn and try non-physical methods of discipline;
- If using physical discipline, never hit a child with anything other than the hand;
- Never strike a child so hard as to leave marks on his/her body;
- Never hit a child on the face or head;
- Never discipline a child when drinking.

180. In Palau, both the law and civil society, place high priority on discipline and control of children as both the right and responsibility of parents. In general, adult understanding of the child's normal development processes is limited as is knowledge of alternative, non-physical means of discipline. Research documents that physical discipline is generally accepted within the community provided it does not result in physical injury or serves as an outlet for parental anger. The same research documents that the concept of emotional or psychological abuse is poorly understood.

181. The law is biased towards abuse which results in visible harm; thus the outcome of abusive behaviour rather than the act of abuse becomes the litmus test for successful prosecution. Prosecution and conviction are further complicated by reluctance of the child and non-abusing adults (often the non-abusive parent) to testify. Efforts to shield the child from the trauma of testimony may deprive the accused of his/her rights to due process. None of these difficulties can be considered unique in Palau but represent inherent difficulties in addressing a highly sensitive and controversial issue.

182. Specific to Palau, prosecution and conviction may be hindered by the absence of professionals with expert qualifications acceptable to the court to testify regarding the nature, extent and seriousness of the harm inflicted. This problem arises because the Ministry of Health employs psychiatrists and psychologists on a contract basis, generally of two years' duration and often with significant gaps between service periods (no Palauan having yet completed full training in either field leading to professional certification). Conviction often depends on the expert testimony of a psychiatrist or psychologist. By the time a case is heard by the court, the examining professional often has left Palau and there is seldom funding to bring that professional back for testimony. Although lesser qualified professionals (general medical practitioners, social workers, and psychiatric nurses) may have first-hand knowledge of the case, the court may be reluctant to accept their testimony as experts.

183. Protection of the child in Palau is hindered by the absence of statutory provisions authorizing a designated official to intervene on behalf of the child and to ensure that the child is removed from the allegedly abusive situation pending the outcome of investigation. There is likewise no mandatory counselling or rehabilitative services for either the perpetrator of abuse or the child affected. While both VOCA and the Behavioural Health Division provide services to victims, the decision to seek services is at the discretion of the custodial parent or the child (if old enough to know about and seek services independently of adults).

184. Palau has some advantages over other island nations by virtue of long association with the United States and beneficiary to United States grants for prevention and treatment of child abuse. The concept of abuse is then not unknown. A network of community-based social support personnel have received some training for identification, intervention and counselling related to abuse (although this network is not being actively maintained through continuing education) and professionals dealing with children have likewise received some training.

185. Services. Abused children, concerned adults and the general public can seek assistance and support from either the Behavioural Health Division of the Ministry of Health or the VOCA office. The Behavioural Health Division employs a variety of professionals which provide a full range of psychiatric, psychological and social work support for persons affected by social or

behavioural problems. VOCA, which is administratively under the Behavioural Health Division, provides social work interventions to victims (or alleged victims) of crime involving injury or trauma. A major part of VOCA's workload involves child abuse and/or domestic violence. Although there is no legal requirement for VOCA to be contacted when cases of suspected or alleged abuse come to the attention of authorities, the VOCA staff have demonstrated their human capacity to work effectively with abuse victims and, as a consequence, are most often contacted when a case (or suspected case) is identified. VOCA staff, however, do not have statutory authority but rely instead on their powers of persuasion to bring about a satisfactory resolution in the best interests of the victim.

186. The following table shows the number of child abuse/neglect cases handled in recent years. In addition, VOCA provided assistance in nearly 100 cases of domestic violence in 1997. These numbers represent only cases in which services have been rendered. Not included are cases brought to the attention of VOCA in which the affected party did not desire services or which were handled by the police without referral to VOCA. Over the same 1994-1996 period, Public Safety has received 40 reports of alleged child abuse and neglect and 149 reports of domestic violence.

Cases in which VOCA has intervened

| Type of case | 1994 | 1995 | 1996 |
|---|---|---|---|
| Child physical abuse | 26 | 5 | 12 |
| Child sexual abuse | 21 | 11 | 19 |
| Child neglect | 17 | 3 | 2 |

187. Ancillary concerns. It is important to note that child abuse is closely associated with alcohol abuse; nearly 80 per cent of cases handled by VOCA are associated with alcohol abuse. While child abuse is the paramount concern pursuant to the Convention, consideration must also be given to domestic violence in general as it is well documented that children who live with violence, learn violence. The number of domestic violence cases reported to VOCA is significant and undoubtedly represents only a fraction of actual cases. In a recent survey, 48 per cent of respondents ranked domestic violence as a serious problem in their neighbourhood while an additional 33 per cent ranked it as a moderate problem. Surprisingly, though, domestic violence has never appeared on any list of "women's" priority issues; is not publicly discussed as a social or policy issue; and has been the subject of only one research study. Nevertheless, there is strong evidence that a significant number of Palau's families live with violence. Both preventive and treatment strategies are clearly warranted.

188. Recommendations. A combination of strategies are required to combat child abuse and domestic violence. Among these strategies are: (a) strengthening the child abuse law to provide VOCA with statutory authority to intervene in cases of alleged and/or proven abuse on behalf of the child with protection of the child being the paramount consideration; (b) raising the awareness of the general public regarding actions which constitute abuse and the long-term impact of abuse on children; (c) raising awareness among parents about alternative non-physical means of discipline; (d) raising awareness of the entire community about the frequency with which abuse takes place and strategies for protecting children; (e) raising awareness among children about the circumstances when it is appropriate for a child to say "no" to an adult; and

finally, (f) because child abuse can never be conquered within an environment of intra-family violence, lifting the aura of silence surrounding domestic violence so that the issue can be openly discussed by both men and women.

189. School discipline. Article 28 of the Convention calls for discipline in the schools to be consistent with the child's rights and dignity. Although stopping short of forbidding physical discipline, the "spirit" of the Convention clearly favours non-physical methods of discipline. When asked to clarify Government's policy on school discipline, a senior official of the Ministry of Education reports that there is no current written policy on school discipline. However, the written policy from the Trust Territory Administration forbids physical discipline and this is still adhered to by the schools and the Ministry. Schools rely primarily on counselling to achieve desired behaviours. One of the strategies being implemented as a part of the Palau 2000 Master Plan for Education is strengthening the network of guidance counselling at both elementary and secondary school levels.

## VI. BASIC HEALTH AND WELFARE

### A. Health and health services

190. An overview of the health status of Palau's children, description of services available and issues relating to access to care are discussed in section III of this report.

191. The present priorities of the Ministry of Health of special relevance to children are:

- To augment existing medical staff by employing a fully qualified paediatrician (achieved March 1998);

- To ensure continuity of medical care at reasonable cost by facilitating post-graduate training in the basic medical specialities for young Palauan general practitioners (one physician has already undergone post-graduate training in obstetrics at the Fiji School of Medicine);

- To develop a school of nursing at Palau Community College which will ensure a continuous supply of professional nurses to meet emerging health challenges in the twenty-first century;

- To strengthen rural health services by developing four "super-dispensaries" to be staffed by a physician and nurse(s) for the provision of primary and some secondary care services (note that three of the four envisaged dispensaries are now open and operational in Ngarchelong, Melekeok and Peleliu);

- To improve school health services through better coordination of health initiatives between the Ministries of Health and Education;

- To combat alcohol, tobacco, and illicit drug use;

- To reduce infant mortality by reducing teenage pregnancies, encouraging early prenatal care, enhancing the health behaviours of expectant mothers and promoting breastfeeding.

192. Water. At the national level, Palau has an adequate quantity of fresh water to support virtually every development scenario although at the local level, there are areas of marginal supply (e.g. Koror has limited water reserves and must draw water from Airai and the island of Peleliu has a limited fresh water lens). Ninety-eight per cent of households have public water piped into their homes; another 0.5 per cent draw water from an exterior standpipe while the remaining households use individual rain-water catchments (1995 census). There is need, however, to improve the quality of most water. Leaks in the Koro-Airai water distribution system endanger public health especially following heavy rains or the disruption of service. Virtually all of the public systems in rural areas do not meet minimum national standards for water quality. In general, though, the public is aware of and accustomed to the situation so that households routinely treat their water prior to consumption.

193. Sanitation. The level of sanitation in Palau is generally high: 44 per cent of households are served by the Koror public sewer system; 63 per cent of households use on-site septic systems with the balance of households using pit latrines (1995 census). A number of improvements are needed to upgrade sanitation at household and community levels in accordance with evolving community expectations and increasing population. These are set forth in a national waste-water plan.

194. Nutritional status. The nutritional status of Palau's pre-school population is good. In 1997, among children aged 0-5 years screened at the Bureau of Public Health: 1.4 per cent were underweight; 0.6 per cent were overweight; and 1.2 per cent suffered from anaemia. Also in 1997, a survey of pre-school and primary school children by an international vitamin A expert uncovered no cases of clinical vitamin A deficiency although it was noted that many children consume vitamin-deficient diets so that sub-clinical vitamin A deficiency might exist. As children grow older, their nutritional status remains good although overweight becomes more of a problem. A comprehensive health survey of school children (1996) will provide more information when analysis is completed.

195. Food and nutrition. Widespread and chronic hunger does not existing in Palau. The occasional cases of clinical malnutrition (underweight for age or height) which come to the attention of health providers are invariably associated with social problems (i.e. represent manifestations of neglect rather than an absolute lack of food). Despite this favourable situation, there are a number of nutritional issues of public health concern.

196. Issue 1. Breastfeeding. Western influences, employment of women and customary adoption have combined to undermine breastfeeding. To reverse this trend, the Ministry of Health had adopted a Baby Friendly Hospital Policy and followed with an intensive programme to retrain health professionals in breastfeeding techniques and counselling, to provide community education, and to train selected community leaders as breastfeeding advocates/counsellors. Additionally, a local version of the International Code on the Marketing of Breast-milk Substitutes has been introduced into the OEK for passage. As the result of these efforts, breastfeeding rates are increasing although still below optimal.

Breastfeeding rates
(Ministry of Health data: rates as of 26 June 1996)

| Infant age (months) | Exclusively breastfed | Partially breastfed | Not breastfed |
|---|---|---|---|
| 0-3 | 59% | 24% | 12% |
| 4-6 | 36% | 27% | 29% |
| 7-9 | 26% | 9% | 47% |
| 10-12 | 17% | 9% | 50% |
| 0-12 | 30% | 16% | 38% |

197. Issue 2. Food choices. The contemporary Palauan diet is rich in proteins, rice and imported processed foods high in calories, sugar, and salt. It is deficient in fresh island fruits, vegetables and root crops. Studies by Public Health have found that many households essentially prepare two meals - one consisting of fish and root crops for older adults and one consisting of rice and meat for children. This practice robs children of valuable sources of vitamins and minerals and establishes early in life a preference for low-quality imported foods. Students who attend public schools (pre-school through grade 12) are also provided with a free lunch; this meal likewise features rice and imported foods. While a number of agencies and ministries represented on the National Nutrition Committee promote local foods and local food production, these efforts have thus far met with only marginal success in counteracting the inflow of imports.

198. Issue 3. Overweight. Given the dietary patterns, it is not surprising that overweight and obesity are beginning to pose significant health risks for a large number of Palauans with overweight first being manifested among primary school children and becoming more prevalent at older age. Health officials estimate that 50 per cent of adults are overweight.

199. Issue 4. National food security. The 1991 Household Income and Expenditure Survey (HIES) found that 80 per cent of the average household's diet (by value) was comprised of imported foods with only 20 per cent of foods (by value) locally produced. In the event that international trade were to be significantly disrupted for any reason, Palau would face serious difficulties in feeding its people. However, since the 1991 survey new farm areas have been developed in Airai and Aimelik and there has been intensified promotion of and support for home-based subsistence food production. Data from a 1997 HIES study will soon be available to indicate if the overall situation with respect to food security has improved as a result of those efforts.

200. Traditional practices prejudicial to health. Palau has no traditional health practices prejudicial to children's health.

201. International cooperation. Palau is a member of the United Nations and of the World Health Organization and participates actively in child-focused initiatives sponsored by WHO, UNICEF, UNFPA and UNDP.

## B. Social security and childcare services

202. Social security. Palau does not have a welfare system as the extended family or clan is responsible for providing financial and material assistance for indigent family members. Palau

does have a social security and a public service retirement system which pays monthly stipends to retired or disabled workers who have contributed to the system during their working life. Dependent children (under age 18 or under age 21 if full-time students) of deceased workers who contributed to the fund during their working lives are also eligible for maintenance stipends.

203. Childcare. The shortage of childcare facilities and services for children of working parents was discussed in section V.

## C. Standard of living

204. Palau does not have national poverty guidelines although UNDP is funding a project in 1998 to develop such guidelines. Analysis of household income and expenditure data and census data indicate that few, if any Palauans live in absolute poverty (i.e. with cash or in-kind incomes too low to meet essential requirements for food, clothing and shelter). Analysis, however, suggests that some 25 per cent of households might be described as living in relative poverty (i.e. unable to afford a standard of living in accordance with prevailing community expectations). Households located in rural areas and headed by youth, senior citizens and women are at special economic disadvantage. Until the UNDP povery study is completed it is not possible to go beyond these general statements to focus specifically on the impact of differential incomes on children.

205. Initiatives are under way which will stimulate economic investment in rural areas, thereby improving the material standard of living for rural residents (e.g. rural electrification, rural phones, and the trans-Babeldaob road). In addition, the Government has recently launched a national IESL (Informal Employment and Sustainable Livelihood) Programme which aims to increase productivity and levels of remuneration from informal economic activities (agriculture, fishing, handicrafts and eco-tourism). The combined impact of these and other related developments will be a more equitable distribution of income across all geographic and social groupings.

206. Cost of living in Koror. In a recent analysis, the Bureau of Pubic Health has estimated that an average Palauan family of five persons residing in Koror requires an annual cash income of $9,400 in order to meet basic needs. The cost of food alone is estimated at $6,407 or 68 per cent of the total. This estimate assumes that housing will be provided through residence within the extended family or in a home paid for through the ocheraol custom. If the economic value of housing is calculated on the basis of prevailing commercial rents, the cost of living increases by 50 per cent to 80 per cent.

## D. Disabled children

207. In past generations, the physical needs of disabled children were met, but there was little attempt to integrate such children into family and community life or to develop their talents to maximize self-reliance. Palauans are particularly proud of the tremendous strides made in the care and nurture of disabled children over the last two to three decades. Families today are well aware that disabled children have rights equivalent to those enjoyed by all other children and that disabled children can be assisted to achieve a high level of self-reliance and social integration.

To this end a range of special services exists within the health and education systems. More recently, an inter-agency task force has been established to coordinate a unified continuum of services for children with special needs and their families.

208. Under the law, disabled persons (inclusive of children) are given special consideration. The Constitution (art. 4.5) designates the disabled to be a vulnerable group entitled to special consideration by the Government. The Handicapped Children's Act (PNC 22.4) enacted in 1989 implements this constitutional provision. The Act recognizes that the national Government has an obligation to "provide education services to all children to enable them to lead fulfilling and productive lives ... [and] to provide full educational opportunities and necessary support services to each handicapped child in order to ensure that the child acquires the skills and knowledge necessary to lead a fulfilling and productive life as a citizen of the Republic." The Act also: (a) designates "mainstreaming" as the strategy of choice in delivering services to the disabled; (b) establishes an Interagency Task Force on Children with Special Needs; and (c) guarantees that as federal funds for special education phase out, the OEK will appropriate replacement funds from local revenues which are at least equivalent to those of the previous year's allocation or will increase in the same proportion as the budget for the entire Ministry of Education.

209. Despite advances made to date, advocates for the disabled identify two areas where continuing improvements are needed. The first is with respect to access for disabled persons. At the present time, Palau has no access laws and very few public buildings are designed to accommodate disabled persons. It is proposed that a law be enacted which establishes access standards for all future construction or major renovation of public buildings as a condition for issuance of a building permit. The second is with respect to the readiness of teachers and non-disabled students to understand, accept, and cater to the special needs of disabled children integrated into regular classrooms. At the present time, advocates indicate that while "mainstreaming" is the law, it is not fully implemented because teachers and students are often ill-prepared to accommodate the disabled. There is likewise a need to ensure that disabled children are fully integrated into the School-to-Work initiative of the Ministry of Education.

Children with special needs
(Registered by the Inter-Agency Task Force, 31 December 1997)

| Type of disability | No. of children registered |
|---|---|
| Hearing; deafness | 33 |
| Developmental disabilities; mental retardation | 27 |
| Learning impaired | 93 |
| Physically/medically impaired | 83 |
| Serious emotional disturbance | 6 |
| Speech impaired | 13 |
| Visually impaired | 20 |
| Under-assessment | 7 |
| Total | 282 |

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### A. General education

210. Years of schooling. For many years, the Palau Government has made available to all children free and compulsory education until the age of 14 or eighth grade graduation, whichever occurred earlier (Constitution, art. 6.4). Although Government continued to provide free education through grade 12, participation was voluntary. However, in view of the rapid pace of development and the increasing integration of the Palauan economy into the international marketplace, it has become evident that a high school diploma is the minimum educational qualification for productive formal sector employment. It has further become evident that a significant number of children have failed to voluntarily take advantage of the secondary schooling opportunities available for them. As a consequence, the law was recently amended to require compulsory schooling from age 5 (kindergarten) extending through age 17 or high school graduation. This law became effective in the 1997/98 school year. It is therefore too early yet to determine the full impact although the Ministry of Education recognizes that the existing student tracking system must be redeveloped if vigorous enforcement is to take place.

211. Quality of learning. Palau's elementary curriculum is comprised of four core subjects - language, maths, social studies, and science - and several supplemental subjects - health, agriculture, community education and population education. The secondary curriculum is organized around the same core subjects but students are also required to pursue at least one vocational course of study - agriculture, business, home economics, or trade skills.

212. Achievement levels can be examined according to three indicators: (i) student performance on standardized test scores; (ii) post-secondary performance; and (iii) preparedness for work. Standardized test scores reveal that Palauans generally perform below United States national averages. At the post-secondary level there is a general perception that performance levels are inadequate and drop-out rates high reflecting in part poor educational preparation, especially in English.

213. Size of schools. A major constraint to improved quality of education is the uneven distribution of students among the schools. Enrolment in elementary schools ranges from 3 (Tobi) to 785 (Koror Elementary). Understandably, the curriculum and teacher support that can be provided at the very small schools are limited while some of the larger schools in Koror must run double shifts to handle their student population. Construction of the Babeldaob road is expected to allow consolidation of some of the smaller schools while encourging a redistribution of population out of Koror back to Babeldaob, thus partially relieving pressure on Koror schools.

214. Language of instruction. The Committee has specifically requested information about Government's policy on language of instruction. According to a senior Ministry of Education official, Palau has no written policy. The practice is for teachers who are Palauan to use the Palauan language while teachers who are not Palauan use English. Both English and Palauan language classes are taught at all levels to facilitate the goal of bilingual competency in both oral and written languages. With the exception of Palauan language texts, all written materials are in English and all written assignments are to be completed in English. In reality, while Palauan

predominates in the earlier grades, it gradually gives way to English by the middle years of elementary school. There is in fact considerable concern that Palauan is not receiving sufficient emphasis so that contemporary students are not mastering their own tongue. At the same time, it is recognized that inadequate English comprehension is a constraint for Palauan students who wish to pursue tertiary education overseas. Minimum competency requirements in both Palauan and English are now being established as a prerequisite for high school graduation.

Educational attainment of Palauan residents - a profile

215. Educational attainment of Palauans. Prior to 1967, the educational attainment of the average (ethnic) Palauan was low by contemporary standards, reflecting limited access to schooling in the pre-war and immediate post-war era. Since 1967 educational attainment has risen rapidly so that by 1995, 66 per cent of adult Palauans (aged 25 and above) held a high school diploma and 33 per cent had participated in post-secondary training, although only 9 per cent had actually completed a four-year degree. The relatively low proportion of college graduates despite high enrolment is both a function of high drop-out rates and out-migration by educated Palauans.

216. Attainment of immigrants. Resident foreigners have higher levels of educational attainment than Palauans. This is not surprising for despite a recent increase in the number of foreigners imported for unskilled labour positions, the majority of foreign workers continue to be skilled technicians or professionals.

217. Attainment of women. Although educational attainment has historically been biased in favour of males, the male-female differential has gradually narrowed and by 1990 had shifted in favour of females among the younger age cohorts.

218. Literacy. Given the levels of schooling, it is not surprising that Palau enjoys virtual universal literacy. Over 97 per cent of resident adults (15 years of age and over) are literate. Of the illiterates, 69 per cent are over the age of 60 (1990 census).

219. While 35 per cent of young Palauans continue their education after secondary school, the remaining 65 per cent enter the world of work equipped only with the knowledge, attitudes and skills imparted by their families and their schools. While there is no standardized measure of "preparedness", virtually all private sector employers complain about low productivity and poor work attitudes on the part of their young Palauan workers. Dependability, perseverance, and willingness to accept direction are commonly cited as the most serious attitudinal deficiencies.

220. Together, these problems suggest that schools are not doing enough to adequately prepare students for adult life in contemporary society. In response, the Ministry of Education has embarked on a bold new initiative to improve quality and relevance of education and to prepare students for the workplace of the next century. This initiative is set forth in the "Palau 2000: Master Plan for Education Improvement" (see summary table below). The Plan was endorsed by the OEK in 1996 and implementation initiated in 1997. To monitor the impact of implementation, a Criterion Reference Test has been developed and field tested for nationwide implementation beginning in April 1998.

Palau 2000: Master Plan for Education: an Overview

The Ministry of Education has the following mission: "In partnership with parents and the community, to ensure that our children and youth preserve Palauan culture and become contributing citizens and productive workers in a changing world. This will establish a high quality of life and security for future generations of Palauans."

Goals for educational attainment are defined according to three dimensions: (1) intellectual power; (2) ability to work well with others; and (3) student belief in themselves and their heritage.

Goals relating to intellectual power

1. Basic language skills (Palauan and English);
2. Basic skills in mathematics, science, social studies and health;
3. An inquiring mind and ability to think about problem-solving in the real world;
4. Awareness and knowledge of Palau in the world context;
5. Preparation for work, post-secondary education and family life.

Goals relating to ability to work well with others

1. Reliability and dependability;
2. Working cooperatively with others;
3. Trustworthiness and honesty;
4. Leadership;
5. Good citizenship (e.g., participation in community and national affairs);
6. Sharing, caring, and respecting others;
7. Expressing gratitude and being courteous;
8. Protecting one's own interests;
9. Fairness.

Goals relating to belief in self and heritage

1. Value Palauan identity and unity through understanding local history, environment, customs, music, arts, politics, economic and social characteristics;
2. Hold a positive self-concept and a belief in one's ability to succeed;
3. Have respect for other cultures.

Strategies

To achieve these goals and visions for Palau 2000, the following actions are identified as of highest priority:

1. Strengthen and professionalize the personnel and certification system for educators;
2. Strengthen school-family-community partnerships for education;
3. Improve educational standards and bring the "real world" into curriculum and instruction;
4. Strengthen educational governance and policy mechanisms;
5. Strengthen preschool education and institute compulsory kindergarten education at age 5;
6. Improve school facilities and consolidate schools once the Babeldaob road is constructed.

A key thrust for educational reform is a "school-to-work" programme which aims to create a functioning partnership for excellence among the home, the school, the community, and the workplace.

## B. Vocational training and guidance

221. As a part of the Education Master Plan, Palau has launched a School-to-Work initiative. Through this effort, the Ministry of Education aims to develop a comprehensive system of vocational orientation, testing, and counselling beginning as early as kindergarten and actively involving parents and the community at large. Through this effort, it is envisaged that students will be: (a) better able to make informed choices about career goals, course selection, and post-graduate planning; (b) parents will be better able to provide sound guidance as students mature; (c) students will be better motivated to stay in school and perform well; and (d) students will have practical exposure to the world of work while still in school when their work attitudes and generalized skills can be molded according to the requirements of real-world employers.

222. Vocational courses will continue to be offered in the secondary schools and at Palau Community College in accordance with student and employer demand and the limitations imposed by Palau's small size and economic constraints.

## C. Aims of education

223. The aims of education in Palau are set forth in Palau's Education Act (PNC 22.1). This statute mirrors very closely the text of the Convention by emphasizing the development of knowledge and skills (including knowledge of the Palauan culture, language, and position of Palau within the world community) which will assist citizens to participate fully in self-government, economic and social development. This mission statement has been subsequently enhanced by the expanded mission, goal and strategy statements set forth in the "Palau 2000: Master Plan for Education Improvement".

## D. The challenge of motivating Palauan students

224. Employment and earning prospects for persons without a high school diploma ("drop outs") are poor. The 1995 census found that 55 per cent of drop-outs were either not participating in the labour force or were unemployed compared to 22 per cent of high school graduates. Among employed persons, the average annual income for drop-outs is about one half the national average (1990 census). These poor prospects are well recognized in the community. In a recent survey of parents of drop-outs, 86 per cent believe their children will have a difficult future and 41 per cent believe it will be difficult or impossible for their children to support themselves without a diploma.

225. Through 1997 (when compulsory secondary school education was introduced), an estimated 15-20 per cent of students left school without receiving a diploma (Ministry of Education). This clearly indicated a serious problem with large numbers of young Palauans not obtaining the requisite skills to fully participate in nation-building and was the impetus for the recent amendment of Palau's Education Act to extend compulsory education through high school or age 17.

226. With prospects for employment and earning so poor without a high school diploma, why do young people drop out? In a recent study, the Ministry of Education found that both

drop-outs and their parents value education and the overwhelming majority of drop-outs want to return to school although most had not taken any specific actions to do so. Reasons for leaving school varied with laziness most frequently cited (19 per cent), followed by housing (15 per cent), pregnancy (10 per cent) and a variety of social or behavioural problems. Over 80 per cent of drop-outs also had friends who had dropped out, but it was not clear to what extent peer pressure influenced the decision to leave school. Over 90 per cent of drop-outs reported their parents to have been displeased with their decision to leave school, but very few parents took concrete steps to help their children identify or overcome the problem(s) prompting withdrawal. While parents overwhelmingly wanted a better life for their children, half state that they felt helpless to assist their children.

227. Reasons for dropping out cited by teachers included: lack of parental support (27 per cent), housing and financial difficulties (24 per cent), lack of motivation (23 per cent), lack of discipline (15 per cent), and absenteeism (12 per cent). Irrespective of the immediate cause for leaving school, 81 per cent of teachers felt that parents' lack of concern was a contributing factor; 56 per cent felt that peer pressure was another contributing factor.

228. This study suggests that low socio-economic status does not constitute a significant risk factor for Palauan students, but that lack of motivation and career goals are risk factors. A pattern of ineffectual parenting seems to emerge with a large number of parents wanting to help, but apparently unsure of how best to assist their children. The transition from elementary to high school seems to be the most critical period for Palauan students, suggesting a need for special efforts to ease this transition.

229. For the future, the drop-out rate will undoubtedly decline in response to the new law. However, the problems of motivation and parental support identified will not disappear simply because the law now requires students to be present in class for a requisite number of years. While quantity of schooling is important, the priority focus for the immediate future must be quality of learning. In response to this challenge, the Ministry of Education has formulated the "Palau 2000: Master Plan for Education Improvement".

## E. Leisure, recreation and cultural activities

230. Palauan culture recognizes that childhood is a special time when the family prepares the child for future participation in adult society. Palauans traditionally recognize that the child has the right to play for play imitates real life and is a form of preparation.

231. Beginning in 1997, in preparation for hosting a major international sports competition in August 1998, Palau has launched a major investment in new sports facilities valued at $4.5 million. These facilities are a major asset to residents of all ages. Despite this, however, several issues have been noted relating to leisure and recreation: (a) the physical education programme offered in the schools is not adequate to impart skills and attitudes necessary to support a commitment by students to life-long fitness; (b) recreational facilities under construction support competitive sports and as such are of primary benefit to youth and adults,

there is need for a concurrent, albeit more modest investment, in playgrounds and sports facilities of primary benefit to young children; and (c) open spaces and recreational facilities must become an integral component of every state's land use master plan.

## VIII. SPECIAL PROTECTION MEASURES

### A. Children in situations of emergency

232. Refugees and armed conflict. Articles 22 (refugees) and articles 38-29 (armed conflict) of the Convention are not applicable to Palau. Palau does not have nor has it ever had refugees and its small size and relative isolation from continental locations make it unlikely that Palau would ever be called upon to offer sanctuary to refugees. Palau is not involved in armed conflict and has no armed forces. Were Palau's security to be threatened, defence is the responsibility of the United States under the terms of the Compact of Free Association. Palauans are eligible for voluntary service in the United States Armed Forces; the minimum requirement for enlistment is to be 18 years of age and be a high school graduate.

### B. Children involved with the juvenile justice system

233. Basic rights. All of the basic legal rights set forth in the Convention are enjoyed by all persons in Palau, including children (Constitution, art. 4 and PNC Title 1.4 and PNC Title 18.1-12). These rights include:

- Protection against prosecution under ex post facto laws; protection from prosecution except under written law of Palau or recognized local customary law not in conflict with the written law (PNC Title 1.303); however, the penalty for any act which is a crime only under customary law is limited to a fine of no more that $100 and/or imprisonment for a maximum of six months (PNC Title 17.108);

- Protection against unreasonable search and seizure in the absence of a warrant based on probable cause;

- Protection from excessive bail;

- Protection against double jeopardy and self-incrimination;

- Right to a speedy trial;

- Right to be informed of the nature and cause of charges;

- Right to be confronted by witnesses against the accused;

- Right to have compulsory processes for obtaining favourable witnesses;

- Right to legal counsel;

- Freedom from capital punishment.

234. Special protection. Additional rights and special protections under Palau law include:

- Presumption of innocence if the accused is insane at the time of the offence (PNC Title 17.105);

- Presumption of innocence for children under 10; partial presumption of innocence for children aged 10-14 years (PNC 17.106);

- Three-year Statute of Limitations except for first- and second-degree murder (PNC Title 17.107).

235. The legal code directs the courts to adopt flexible procedures for handling juvenile offenders based on the practices used by juvenile courts in the United States (PNC 34.6102). Judgement against a child by the court is to take into consideration "the best interests of the child" (PNC 34.6102). Under the Constitution, the law, and Public Safety regulations, juveniles are required to be segregated from the general prison population (Constitution, art. 4.7 and PNC Title 4). However, it is widely acknowledged that this requirement is not adhered to owing to lack of special facilities for juveniles within the current prison.

236. Public Safety regulations emphasize that "juvenile offenders are not intended to be [handled as] criminal in nature, rather they are intended to be civil in nature and their goal is to guide and rehabilitate rather than to punish." Accordingly, the regulations require that juvenile detainees be accorded special protections including:

- Immediate notification of a parent or guardian of detention;

- Detention in an area away from adult offenders;

- Immediate release into parental custody except when arrested on a serious felony charge;

- Presence of a parent during questioning;

- Withholding of names from the police blotter.

237. The Attorney-General further states that it is the policy of that office not to seek custodial sentences for juveniles except as a final recourse in the case of serious or repeat offenders. Should the office seek a custodial sentence, every effort is made to minimize the duration of the sentence, keeping in mind the necessity for protecting the public's safety.

238. Police Practices Commission. A Police Practices Commission exists as a safeguard against the abuse of police power. The Commission consists of the Attorney-General plus three uniformed police officers and three civilians. The Commission investigates complaints about police practices and recommends disciplinary action to the Minister of Justice for final action. In the event that an alleged offence involves criminal malfeasance, the matter is referred to the Office of the Special Prosecutor for action.

239. Recommendations. Palau law and practice adhere to the requirements set forth in the Convention with respect to juvenile offenders with the single exception that juveniles are not routinely segregated from the adult prison population. This matter must be brought to the attention of the Minister of Justice. Given the small number of offenders and the fact that custodial sentences are the least effective means for rehabilitation as well as the most expensive means, it would not be prudent to build a separate facility for juveniles at this time. It is recognized, though, that current methods for dealing with some habitual offenders are not effective and that preventive strategies must be strengthened to keep juveniles out of the justice system. Accordingly, recommendations are being made:

- Intensified public education on child-rearing practices and alternative methods of discipline;

- Revival and strengthening of the responsibility of the maternal uncle (or brother) to provide guidance, direction, and crisis management for nieces and nephews;

- Revival of the tradition of "community parenting";

- Revival of traditional disciplinary measures through the Council of Chiefs of each village; chiefs to handle minor infractions and "wayward" children at an early stage before offences become sufficiently serious to require police and court involvement;

- Identification (or establishment) of an office of social services and family support to work closely with young people, parents, and the Ministries of Education and Justice to intensify efforts to prevent delinquency.

## C. Children subjected to exploitation

240. Child labour. Only two labour laws specifically refer to children: (a) persons under the age of 16 are prohibited from employment on foreign trading vessels except if operated by a single family (PNC 7.16); and (b) persons under the age of 21 are prohibited from employment in premises used for serving or consuming alcohol (PNC 11.1064).

241. By regulation of the Ministry of Commerce and Trade, no person under the age of 21 years is allowed to obtain a foreign labour permit.

242. Despite the absence of specific legislation as mandated by the Convention, child labour is not at present an issue in Palau. There is no evidence that any child is compelled to work under conditions which interfere with health, education, or the right to rest and leisure. In fact, it would be highly advantageous to the development of contemporary Palauan children were there to be new opportunities created for their employment in both the formal and informal economic sectors.

243. Given that child labour is not currently a problem, the necessary amendments to the statute to provide for minimum ages and conditions of employment for children can be incorporated in due course into a proposed Uniform Labour Law.

244. National Youth Service Corps. In order to develop Palau's human resources while simultaneously reducing demand for foreign labour, a proposal has been made to create a compulsory National Youth Service Corps to commence immediately after young people leave secondary school. Under the proposal, completion of at least one year of mandatory training/service would become a prerequisite for public sector employment, scholarships, and other benefits. CoPopChi agrees that this is a potentially viable strategy for partially addressing a number of high-priority child and human resource-related issues. Consequently, the (draft) National Population Policy calls for a formal feasibility study to determine the costs and viability of this concept.

245. Drug abuse. As previously indicated, drug, alcohol, and tobacco use and abuse are common in Palau. The need to aggressively combat these practices with special emphasis on protection for children and youth is recognized throughout the community.

246. Legal protection. Responding to a public outcry about the inflow of drugs to the community, the OEK in 1997 enacted new legislation which signals "zero tolerance" for "hard" drugs. Under the legislation, stiff prison sentences are imposed for possession, use and trafficking in "ice", heroin, cocaine, morphine, or LSD. A first offence of trafficking is subject to a 10-25 year prison term and a fine of $10,000-$25,000. A second offence carries a mandatory 25-35 year sentence. Adults convicted of selling drugs to a minor will be subject to a double penalty. Law enforcement officers convicted of trafficking will have seven years added to their prison term. Possession without intent to sell will net a prison term of 2-5 years and a fine not to exceed $5,000. A second offence will carry a 5-10 year term and a fine of $5,000-$10,000. For first offenders, sentences and fines can be reduced if the offender agrees to treatment and mandatory testing over a three-year period.

247. The provisions of this law are widely publicized on large posters located in every public site and store. It is hoped that aggressive enforcement will cut off the flow of drugs into Palau, thereby protecting children and youth from access to and use of these substances. The priority at the present time is eradication of "ice". Marijuana is also an illegal drug; its production and use will continue to be combated but this is of a lower priority until the scourge represented by "ice" is eradicated.

248. Persons under the age of 19 are prohibited from purchase of tobacco and tobacco products (PNC 11.1071). Persons under the age of 21 are prohibited from purchase and/or possession of alcoholic beverages (PNC 11.1085). Since 1996, the Coalition for a Tobacco-Free Palau has been vigorously assisting the Alcohol and Tobacco Control Board to facilitate widespread knowledge about and compliance with these laws.

249. Educational strategies. Anti-drug education is carried out by the Ministry of Health (health education, behavioural health, and maternal and child health services), the Ministry of Education (school health education, drug-free schools programme, and student organizations), the Ministry of Community and Cultural Affairs (Youth Services Division and National Youth Congress), the Ministry of Justice (Anti-Substance Abuse Prevention Programme), Omult (an NGO), the churches, state governments and community coalitions.

250. All of the agencies and programmes cited above are also involved in anti-alcohol abuse education and advocacy. In addition, the Ministry of Health sponsors an Alcoholics Anonymous and Al-Anon group and the Alcohol and Tobacco Control Board (which issues liquor licenses) is also active in educational efforts.

251. Since 1996, an Anti-Tobacco Coalition of agencies and officials has spearheaded an aggressive anti-tobacco movement which includes: (a) intensified public education about the dangers of tobacco; (b) launch of an "elaus without" campaign promoting use of betelnut without tobacco additives; (c) mandatory education of retailers holding tobacco sale licences; (d) mandatory posting in all venues where tobacco is sold of the law against sale to minors; (e) successful advocacy to increase the tax on tobacco; and (f) advocacy to enact legislation which more closely regulates advertising of tobacco products and sponsorship of public events by tobacco companies.

252. Alcohol and drug use in Palau. In order to enhance the effectiveness of strategies for prevention and treatment of drug and alcohol abuse within Palau, the Ministry of Health has recently completed a community survey using both knowledgeable informant and direct interview methodologies. Data compiled for alcohol, marijuana and "ice" use by age are shown in the table below. A little over one third of Palauan youth (ages 15-20) used alcohol in the 12 months preceding the study with nearly 8 per cent classified as "problem drinkers". Over 40 per cent of Palauan youth used marijuana and nearly 70 per cent used "ice" in the same period. Together, these data indicate that Palau is not succeeding in protecting its children and youth from alcohol and illicit drugs. As a result of the study, a number of new initiatives in alcohol and substance abuse prevention and treatment are under consideration by the Ministry of Health.

Substance abuse in Palau by age category, 1997

| Age group (years) | % using alcohol in past 12 months | % considered to be "problem drinkers" | Marijuana use in past 12 months | "Ice" use in past 12 months |
|---|---|---|---|---|
| 10-14 | 1.7 | - | 2.6 | 3.3 |
| 15-20 | 35.4 | 7.7 | 43.3 | 16.7 |
| 21-25 | 54.3 | 16.1 | 34.2 | 16.7 |
| 26-30 | 50.9 | 11.9 | 20.3 | 10.0 |
| 31-40 | 51.2 | 32.2 | 25.4 | 40.0 |
| 41-50 | 55.1 | 22.4 | 18.0 | 13.3 |
| 51-60 | 40.4 | 7.7 | 1.7 | - |
| 61+ | 15.5 | 2.1 | - | - |

253. Sexual exploitation of children. There are several laws which relate to the sexual exploitation of children:

- Sexually related activities "for the purpose of sexual gratification, pleasure, or profit by any person with a child under the age of 16 who is not the spouse of the perpetrator" is defined as sexual abuse and subject to a five-year prison term and/or a fine of up to $5,000 under the Child Abuse Act (PNC 21.602);

- Sodomy, defined as "unlawful and voluntary sexual relations of an unnatural manner with a member of the same sex or the other sex or carnal connection with a beast", is subject to a 10-year prison term (PNC 17.2803);

- Carnal knowledge of any female under the age of 15 who is not the wife of the perpetrator is a crime subject to a 10-year prison term (PNC 17.2803);

- Indecent assault or the taking of "indecent and improper liberties with the person of a child under the age of 14 years without committing or intending to commit the crime of rape or carnal knowledge" is subject to a 5-year prison term (PNC 17.2803);

- Rape, defined as forceful intercourse against a female who is not the wife of the perpetrator, is subject to a 25-year prison term (PNC 17.2802).

254. There is at present no law specifically against prostitution. While there are allegations that prostitution does occur in Palau, although primarily believed to involve non-Palauans servicing the tourist market, there is no definitive evidence of these activities.

255. Girls under 16 years of age are well protected from prostitution or direct sexual exploitation by the above-referenced laws. Boys are much less well protected. Following the legal review pursuant to preparation of this report, the Attorney-General has recommended that the law be amended to remove gender bias and afford equal protection to both sexes. (This legislation was passed by the Senate in December 1997 and is now under consideration by the House of Delegates.) Additional legal amendments are needed to protect children from portrayal in sexually explicit photos, movies, videos or other images as the law does not explicitly address these issues and incidences of photographic exploitation have been detected in other Pacific Island countries.

256. Sale, trafficking, and abduction of children. Kidnapping is a crime subject to a 10-year prison term (PNC 17.1801). This statute defines kidnapping to be the forcible, fraudulent, or deceitful imprisonment, seizure or detention of any person (other than one's own minor child)

257. Profiting from the adoption of children is not specifically addressed under the law. There are anecdotal accounts of at least one domestic adoption which allegedly involved improper monetary exchange. Accordingly, CoPopChi is recommending that legislation be enacted to explicitly address this issue.

258. Other exploitation. Palau's Constitution protects children from "all forms of exploitation". However, there are no indications that Palauan children are subjected to any exploitation other than as discussed in preceding paragraphs.

## D. Minority children

259. Relevant definitions together with issues relating to minority children have been previously discussed in section III of this report.

Appendix

NATIONAL PLAN OF ACTION FOR CHILDREN

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| Objective: To create an effective institutional structure to serve children and their families | | | | | | | | |
| All | To create an office (or designate an existing office) having suitably qualified staff and a reasonable operations budget, to serve as a focal point for child and family support activities. The office would facilitate implementation of the Convention by acting as: (a) secretariat to CoPopChi; (b) ombudsman for children in general and/or specific children in particular where their rights are subject to violation; (c) impartial, professional adviser to the courts with respect to the "best interests of the child" in cases involving family law, delinquent children, juveniles accused of crimes, and abuse/neglect; (d) support to the legislative and executive branches of government in analysing the impact of proposed policies and/or laws on children and families; and (e) facilitator of participation by children in matters affecting their own lives. (Note that herein this office is referred to as the Office of Child and Family Support and abbreviated as OCFS.) | X | OEK | X | Office of the President | | | Level 1 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| 44 | To strengthen CoPopChi by augmenting current membership to include representatives from the Attorney-General's Office, the police, the judiciary, VOCA, the Task Force on Children With Special Needs, and increased representation from the Ministry of Education (Bureau of School Administration, Bureau of Curriculum/Instruction, and School-to-Work Council). | | | X | President (Amend Executive Order) | | | Level 1 |
| Objective: To inform agencies, officials, parents, young people, and the general public about the Convention on the Rights of the Child and actions needed for its full implementation. | | | | | | | | |
| 44 | CoPopChi to develop a planned medium-term programme of public information about the Convention and actions needed to ensure full compliance in Palau. | | | X | CoPopChi, OCFS | | | Level 1 |
| Objective: To ensure that professionals working with children are knowledgeable about child growth and development as well as child rights. | | | | | | | | |
| 44; 6 | CoPopChi to spearhead, in cooperation with all government agencies, an assessment of training needs relative to child development, child rights, and domestic relations for professionals dealing with children and families. This assessment to form the basis for a planned programme of pre-service (where applicable) and in-service training. | | | X | MoAdm, PCC, M/C&T, CoPopChi School-to-Work Council | | | Level 1 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| Objective: To protect children from all forms of exploitation prejudicial to their health and development | | | | | | | | |
| 1; 32 | To protect children against potential economic exploitation by integrating child labour regulations within the proposed Uniform Labour Act (now before the OEK). Such regulations to ensure against work injurious to a child's health or education and to ensure compensation which is both fair but which does not unduly constrain an inexperienced child/youth from gaining work experience. | X | MoC/T with OEK | | | | | Level 4 |
| 1; 34 | Amend all the statutes relating to sexual exploitation (e.g., PNC 17.2802, 17.2804, 17.2806, 21.602) to (a) remove gender bias, (b) provide a uniform age of consent of no less than 16 years of age, (c) ensure adequate protection against sexually related imaging of children using photographic, video, computer or other means, and (d) ensure equitable punishments commensurate with the seriousness of the crime and sufficient to act as a deterrent across the various offences. Add new section(s) to the code to prohibit prostitution (irrespective of age) and to restrict access to and/or sale of excessively violent or sexually explicit images, videos, or publications to persons under 18 years of age. | X | Attorney-General with OEK | | | | | Level 2 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| Objective: To enable children "capable of forming an opinion" to be given an opportunity to voice their opinion in legal proceedings which affect them. | | | | | | | | |
| 1; 12 | In Family Law matters coming before the court, ensure that the child "able to form opinions" is consulted and his/her views considered by: (a) amending PNC 21.302 to ensure that children are consulted in matters relating to custody or residence; (b) amending PNC 21.4040 to ensure that children are consulted in matters relating to their own adoption (although the consent of a young child would not be a prerequisite for an adoption otherwise deemed to be in his/her best interests); and (c) through public education, encourage families and clans to develop culturally appropriate mechanisms to consult with and consider the views of the child when reaching customary decisions relating to custody, adoption, and residence. (Note: further consultations are required to determine at what age a Palauan child should be considered "capable of forming opinions".) | X | Attorney-General with OEK | X | Judiciary | X | CoPopChi; OCFS | Level 2 |
| Objective: Promote the principle of "non-discrimination" for all children resident in Palau. | | | | | | | | |
| 2 | Ensure protection of non-Palauan children from discrimination within civil society by: (a) approving and implementing the (draft) National Policy on Population and Sustainable Development thereby ensuring ethnic balance; (b) encouraging | X | President; OEK | X | MoC/T (Labour) | X | CoPopChi (research); MoEduc., & Churches (public education) | Level 3/5 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| | educational activities which promote inter-cultural understanding, and (c) consulting with the International Committee on the Rights of the Child, LawAsia, UNICEF, and other international experts on strategies deployed elsewhere which can facilitate a balance between the universal rights of all children and the rights of indigenous (e.g., ethnic Palauan) children to maintain their cultural heritage. | | | | | | | |
| Objective: To promote optimal health for all of Palau's children | | | | | | | | |
| 6 | Continue and intensify strategies to further reduce foetal and infant mortality by: (a) discouraging early sexual activity leading to teen pregnancy; (b) encouraging early prenatal care for all women; (c) discouraging use of tobacco in any form during pregnancy; and (d) facilitating further research into the possible link between betelnut use during pregnancy and low birthweight. | | | | | X | MoH | Level 2 |
| 6; 24 | Continue efforts to ensure the highest possible standard of health and health care for children according to the plan of action already prepared by the Ministry of Health. | X | OEK (Budget Support) | X | MoH | | | Level 3 |
| 6; 24; 27 | To continue and to intensify efforts to ensure universal access to safe drinking water and safe sanitation by implementing existing plans for wastewater treatment and rural water system development. | X | OEK (Budget Support) | X | MoR/D; State Govts | X | MoH | Level 3 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| 6; 24; 27 | Continue and intensify strategies to promote healthy lifestyle choices among children | | | | | X | MoH; MoEduc. | Level 2 |
| 6; 24; 27 | Ensure that the right of every infant to receive the best possible nutrition is met through vigorous promotion of breastfeeding. Strategies to include: (a) enactment into law of a local version of the International Code for Marketing of Breastmilk Substitutes; (b) integrating minimum standards for maternity leave and post-partum breastfeeding "breaks" within the proposed Uniform Labour Act; (c) encouraging public and private sector employers to implement "family friendly" policies which support breastfeeding; (d) facilitating formation of community-based breastfeeding support groups; and (e) encouraging full support for breastfeeding mothers from every component of civil society. | X | MoH and OEK | X | MoH; MoC/T; MoAdm; All govt. offices to support and assist women to breastfeed | X | MoH; OCFS; COC | Level 2 |
| 6; 24; 27 | Through public education, strive to ensure that every child benefits from a healthy diet which makes maximum use of fresh, local food products. | | | X | Nat'l Nutrition Council; MoE & Head Start (school lunches) | X | MoH; PCAA; MC/CA (Women Bureau); PCC | Level 3 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| Objective: To ensure that legal and customary adoptions promote the "best interests of the child" | | | | | | | | |
| 21; 35 | Strengthen mechanisms for ensuring that court-approved adoptions are in the best interests of the child by developing a mechanism whereby VOCA undertakes pre-adoption consultations with clan members and the child concerned, home studies and background checks as required in order to provide impartial advice to the courts as to the "best interests of the child". Special regulations (including correspondence with officials in the prospective parents' home country) to be developed to safeguard children proposed for adoption by non-residents of Palau | | | X | Judiciary; Attorney-General; VOCA; OCFS | | | Level 3 |
| 7 | To develop an acceptable solution to the problem of nationality for non-Palauan children legally adopted by Palauans which simultaneously protects the rights of the individual child while protecting the rights of the Palauan people | X | Attorney-General with OEK | | | X | CoPopChi | Level 5 |
| 35 | To amend Palau's Criminal Code to explicitly prohibit the exchange of children for money (excepting customary transfers by which elements of the child's family provide financial assistance to the child's custodians in partial fulfilment of their responsibilities toward the child) | X | Attorney-General with OEK | | | | | Level 3 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| 7; 21 | To facilitate research into the impact of the various types of custom adoption on the well-being of children as a basis for providing informed guidance to the public on issues arising from adoption including the rights of the child to know his/her (biological) parent(s) | | | | | X | CoPopChi; OCFS | Level 5 |
| 21 | As an interim measure pending research findings (per above recommendation), use public education and family counselling to strengthen attention given to the "best interests of the child" during customary adoption by: (a) emphasizing the right of the child to be adopted only if this serves his/her best interests; (b) emphasizing the right of every child to a stable and secure family life thereby discouraging informal adoption arrangements or non-essential changes in custodial arrangements; (c) emphasizing the right of a child "able to form an opinion" to be given an opportunity to voice his/her views during family or clan decision-making regarding the child's adoption; and (d) discourage early sexual relationships especially among teenagers thereby reducing the need for children to be raised by persons other than their biological parents | | | | | X | CoPopChi; VOCA; Chiefs and women leaders | Level 3 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| Objective: To strengthen the use of the media (especially broadcast media) as a mechanism for promoting child development and the Palauan culture. | | | | | | | | |
| 17 | To address the various issues relating to "children and the media", encourage formation of a task force on "The Media and Palauan Tradition" to devise specific strategies for harnessing the power of the media to advance Palauan culture and to improve the quality of programming with special attention to the needs of children and their families. | | | X | President, MoC/CA | | | Level 5 |
| 17 | To assist parents and children to become "informed consumers" of the media with special attention to television and video. | | | | | X | MoEduc.; MoH; CoPopChi; OCFS | Level 3 |
| Objective: To strengthen institutional and social support for parents in meeting their responsibilities toward their children. | | | | | | | | |
| 5; 18 | To revitalize traditional mechanisms for providing guidance to children and support to parents with special attention to: (a) reviving the tradition of "community parenting"; (b) revitalizing the role of the maternal uncle or brother in assisting with child-rearing and discipline; and (c) reviving/adapting traditional measures of community discipline through the village council of chiefs. | | | X | OCFS, MoC/CA, MoJustice, M/State, Judiciary | X | MoE (School-to-Work Council); MoJustice; CoPopChi | Level 2 |
| 5; 18 | To provide information and support to traditional and informal "helpers" (e.g., mechas, church leaders, clan leaders, and women/youth/sports leaders) which will facilitate their assistance to families/children who look to them for role models and guidance. | | | | | X | MoH; MoEduc.; MoC/CA (Bureau Women's Affairs); M/Justice; OCFS; Omult | Level 2 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| 18 | To encourage public and private sector employers as well as the private sector to implement "Family Friendly" strategies which provide alternative mechanisms for meeting the needs of parents in the labour force; to develop training programmes, regulations, and inspection capacities to ensure that such non-family childcare programmes or centres which may develop adhere to reasonable standards which protect the health and enhance the development of children under their care. | X | OEK | X | MoH and MoEduc. (licensure); PCC (training); MoAdmin and all govt. agencies (public sector action); MoC/T and COC (private sector action) | X | CoPopChi; OCFS; COC; MoC/CA (Women's Bureau) | Level 2 |
| Objective: To prevent child abuse and/or neglect; to protect children from domestic violence of all forms. | | | | | | | | |
| 19; 34 | Strengthen strategies for combating child abuse/neglect by: (a) intensifying public education regarding alternate methods of discipline, safety during discipline, and behaviours which constitute "abuse" under the law; (b) strengthen the statutory authority of VOCA to intervene in cases of alleged or proven neglect for the paramount purpose of protecting the child; and (c) strengthen public awareness about the reality of child abuse and domestic violence in Palau and emphasize the long-term impact of domestic violence on child development. | X | Attorney-General with VOCA and OEK | | | X | CoPopChi; VOCA; MoEduc.; MoH; School-to-Work Council; OCFS | Level 2 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| Objective: To ensure that every child enjoys an adequate standard of living, inclusive of access to age-appropriate recreational facilities | | | | | | | | |
| 27 | Ensure reciprocal enforcement of maintenance and custody orders across international boundaries by enacting into Palauan law a "mirror image" of the United States Uniform Reciprocal Enforcement and Support Act. | X | Attorney-General with OEK | | | | | Level 3 |
| 27 | Ensure that every child has an adequate standard of living by: (a) developing poverty guidelines appropriate to Palau, (b) identifying the extent of and causes of poverty where it exists in Palau; (c) develop strategies to ensure that the basic needs of families in poverty are met, and (d) develop strategies to prevent poverty. | | | X | CoPopChi; PCAA; Planning Office | | | Level 5 |
| 28<br>29 | To develop guidelines for open spaces and parks/recreational facilities catering to the needs of all age groups for integration into State Land Use Master Plans. | | | X | CoPopChi (guideline; State Govts.; Palau Conservation Society | X | CoPopChi Community Leaders | Level 2 |
| 28<br>29 | Encourage hamlets (communities) to develop parks and recreational facilities catering to all age groups with special attention to the developmental and recreational needs of young children. | | | | | X | CoPopChi | Level 2 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| Objective: To ensure that every child receives the quality and quantity of education required for life in the twenty-first century. | | | | | | | | |
| 28 | Fully implement the "Palau 2000: Master Plan for Education Improvement" thereby ensuring that every child receives the quantity and quality of education required to achieve his/her full potential. | X | OEK (Budget Support) | X | MoEduc. | X | MoEduc.; School-to-Work Council; CoPopChi; OCFS | Level 2 |
| Objective: To ensure that the disabled child enjoys the right to full and equitable development in accordance with his/her capacities. | | | | | | | | |
| 23 | To integrate access requirements within the building permit systems of the various States thereby ensuring that in all future construction, disabled persons will enjoy full access to public facilities. | X | OEK and State Govts. | | | | | Level 2 |
| 23 | To continue the availability of special health, educational, and social support services for the disabled child and his/her family by ensuring that effective programmes and services developed with Federal grant assistance are continued with domestic revenues. | X | OEK (Budget Support) | X | MoEduc.; MoH; Parent Support Groups; Inter-agency Task Force | | | Level 2 |
| Objective: To protect the rights of children in conflict with the law and to ensure their speedy reintegration into society. | | | | | | | | |
| 37<br>40 | Revive traditional disciplinary measures within the family (involvement and responsibility of extended family and maternal uncle), the community (i.e. "community parenting"), and the village (council of chiefs) as a strategy for primary prevention of juvenile criminal behaviour. | X | MoJustice with OEK | X | Juvenile Justice Prog.; CoPopChi; Council of Chiefs | X | Juvenile Justice; CoPopChi; Council of Chiefs; Women Leaders | Level 2 |
| 37<br>40 | Identify/implement practical, cost-effective measures to ensure that children are segregated from adults in Palau's prison. | | | X | MoJ; Judiciary | | | Level 3 |

| Article of the Convention | Issue | Action needed | | | | | | Priority level* |
|---|---|---|---|---|---|---|---|---|
| | | Legal reform | Lead agency | Administrative reform | Lead agency | Private actions | Lead agency | |
| 37<br>40 | To study further the need for and desirability of amending Palau's Criminal Code to prohibit a judgement of life imprisonment without parole against child offenders. (Note that the number of cases where children could conceivably receive such a sentence is extremely small and this sentence has never to date been imposed on a child. There are, however, influential people in the judiciary who believe that existing safeguards are adequate and the possibility of a life sentence should not be statutorily withdrawn.) | | | | | | MoJ | Level 5 |
| Objective: Maintain current efforts to eradicate illicit drugs from Palau | | | | | | | | |
| 33 | Continue and intensify efforts to protect children from use of alcohol and illicit drugs. (Note: existing efforts include law enforcement, education, and alternative youth activities.) | | | X | MoJustice, MoH, MoEduc.; MoC/CA | X | All organs of civil society | Level 2 |

* The priority levels are defined as follows:

Level I - Strategic actions which facilitate implementation of other recommendations
Level II - Actions addressing high priority issues of immediate importance to Palau's children
Level III - Actions important for full compliance with the Convention but of less immediate urgency for Palau's children
Level IV - Actions needed for technical compliance with the Convention but not priority issues for Palau
Level V - Issues requiring further study and/or consensus-building prior to finalizing a recommended action